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**T H E
P A R L I A M E N T A R Y
O R
C O N S T I T U T I O N A L
History of England;
B E I N G A
F A I T H F U L A C C O U N T**

**Of all the
Most remarkable T R A N S A C T I O N S
In P A R L I A M E N T,
From the earliest T I M E S,
TO THE
Restoration of King C H A R L E S I I.**

**C O L L E C T E D
From the RECORDS, the JOURNALS of both HOUSES, original
MANUSCRIPTS, scarce SPEECHES, and TRACTS; all com-
pared with the several Contemporary Writers, and connected,
throughout, with the History of the Times.**

By S E V E R A L H A N D S.

—— Juvat integros accedere Fontes.

V O L. X.

**From the Meeting of the Parliament after the Recess, *October 20, 1641,*
to *May 19, 1642.***

The S E C O N D E D I T I O N.

L O N D O N,

**Printed, and sold by WILLIAM SANDEY, against *St. Dunstan's Church,*
Fleet-Street. MDCCLXII.**

1917

THE NATIONAL BUREAU OF INVESTIGATION

REPORT

ON THE ACTS OF VIOLENCE

COMMITTED BY THE IRA IN IRELAND

AND THE EFFECTS THEREOF

IN THE UNITED STATES

OF AMERICA

BY THE NATIONAL BUREAU OF INVESTIGATION

OF THE DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

1917

THE NATIONAL BUREAU OF INVESTIGATION

OF THE DEPARTMENT OF JUSTICE

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T H E

Parliamentary History

O F

E N G L A N D.



ON the 20th of *October* both Houses of Parliament met again at *Westminster*, according to Adjournment; when Mr. *Pymme*, one of the Committee of the Commons, appointed to sit during the *Recess*, made a Report to that House of what had happened in that Interval, as follows^a:

‘ The first Thing we had in Charge was concerning the Declaration of the House relating to Innovations: The Committee have sent divers of them into the Country, and have found that, in some Places where there were good Ministers, they were entertained, and in some other Places they were neglected; but, for the most Part, it is by those that have been questioned here for other Matters. The Committee took into Consideration the

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The Parliament meet after their Adjournment.

Mr. *Pymme*’s Report of what had been done by the Committee during the *Recess*.

^a This Report is very imperfectly given in *Rushworth’s Collections*; but it stands thus in the *Journals*.

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Intention of the House, concerning the publishing of this Declaration; therefore they gave Directions to require the publishing thereof in Churches, and that the Churchwardens might see the Execution thereof. Some Particulars concerning this will come in a special Report, which I shall now only touch upon in the general, in regard of the great Importance of the Business first to be considered of this Day, touching the Troubles in *Scotland*, of which I shall give you an Account.

The next Thing the Committee did take into Consideration, was the Correspondency with the Committee in *Scotland*, in receiving Letters from them, and sending Answers unto them. I shall not need to produce their several Letters now, it will take up too much Time; but the chief Point was touching the Disbanding of the Army, and the two Garrisons of *Berwick* and *Carlisle*. For *Carlisle*; it is totally disbanded, and the Soldiers sent into *Ireland*, to be placed there, as they were before in the King's Army; for we did conceive it fitter those new Men, now in the King's Army there, should be dismissed; and those that were formerly taken from thence should be entertained again, for we hear a good Report of their Carriage at *Carlisle*. As for the Garrison at *Berwick*, that required longer Time of Consideration at the Committee; for besides the demolishing of the Works, (which was much pressed by the *Scots*, and seconded by a Letter from his Majesty out of *Scotland*) there was a Want of Money; yet the Committee got sufficient to disband all, and sent it down: And because the *Scots* Commissioners desired to know a certain Day of our Disbanding, and then they would, upon Knowledge of that, disband their Forces; thereupon the Committee set down the 15th of *October* to be the last Day of Disbanding. And the Letter Yesterday received from Sir *Michael Ernley Newell*, that he hath Money enough to disband all; and the Horse are disbanded, and five Companies of Foot: And that on *Friday* last the other Companies of Foot remaining had been disbanded; but a Letter came from

Sir

Sir *Henry Vane*, in his Majesty's Name; requiring to stay the Disbanding of the rest till further Order, of which you shall hear more particularly when I come to that Part of my Report.

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‘ For the Arms and Ammunition at *Carlisle*; the Committee gave Order for the Lifting and Safe-laying of them up, to be well kept till the next Spring, when it will be more seasonable to send for them away, they being now five or six Miles from the Sea-Side, which would have taken now too much Time to have shipp'd them: And Sir *George Dalston* and others, Members of the House, are desired to take Care of the safe keeping of them in the mean Time.

‘ For the Ammunition at *Berwick*; the Committee have sent six Ships to transport the same to the Tower; and agreed with them for a certain Sum for the doing thereof within such a Time; and, if they staid longer, to have so much *per Diem* for Demurrage.

‘ The next Thing we took into Consideration at the Committee, was concerning Tumults; tho' we cannot say there were any great Tumults, yet there were Seeds sown which might have occasioned some in the Execution of the Order of the House touching Innovations: But I shall make a particular Report of those Parishes where they were at Blows, and likely to come to Blows, if the Committee had not sought the Prevention of it; which was the Ground why the Committee entertained their Petition.

‘ There was another like Trouble and Sign of Tumult, by the frequent Resort of Troopers to Town, and to the Committee; who deliver'd thirty several Petitions to the Committee, in their own Names, and the Names of other discontented Persons in the Army. We could not refuse to accept their Petitions, lest they should grow to Tumults; and of their Complaints, and the Nature of them, I shall give a particular Report; but the Committee did vote nothing concerning them. It will be very fit to resolve something concerning them, that

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they may depart the Town; for, under the Name of Soldiers, many Robberies are done; which occasioned the Committee to give Order that all of them, that desire to have Passes to go beyond Sea, might have the same: But that would not serve their Turn, unless they might have Liberty to receive Pay here, to go in Companies, under Conduct, to the Service of foreign Princes; which the Committee could not give Way unto, in regard of the Ordinance of both Houses to the contrary.

‘ There is another Head the Committee had in Charge, concerning the King’s Revenue: All we could do in that (which I did by the Direction of the Committee) was to take Care for a Balance touching the same; and accordingly I spoke with the King’s Officers about it, and a Balance will be ready when you please to call for it.

‘ Next was concerning the Exchange beyond Sea: I think for that there will be a good Return made for the Benefit of the Commonwealth.

‘ Another Thing was concerning the *Irish* Petitions; but the Gentleman that used to be in the Chair for *Irish* Affairs (Mr. *Whistler*) was out of Town, and had most of their Petitions with him, so we could do nothing; only one Mr. *Cope* and Mr. *Lomax*, who had long attended, had their Case made known to the Committee; the one desiring to have two Witnesses examined, upon a Petition here depending, who are ready to go to Sea; and the other, Mr. *Cope*, of *English* Parents and great Family, is a Petitioner for the Recovery of an Estate of a great Value, which he conceives hath been long kept from him wrongfully; and desires that a Committee may but consider of the Depositions already taken touching the same, in several Courts of Record, whether there be not just Cause for him to have Relief, and Matter of Ground to proceed on his Petition; and, if not, he will desist in petitioning the House.

‘ The next Thing in Charge was concerning Delinquents: In that we made but a small Progress; for we had a Desire to have perfected the Charge against

against my Lord Archbishop of *Canterbury* ; but in regard those of the Long Robe of the Committee were for the most Part absent, we could not proceed therein.

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‘ Next there came to me, to my Lodgings at *Chelsea*, Sir *John Berkeley* and Serjeant-Major *O’Neal*; who said they heard they were accused, and had rashly withdrawn themselves ; but, upon better Consideration, they were returned to submit to the Pleasure of the House. I thought it my Duty to make some Privy-Counsellor acquainted therewith ; whereupon I went to my Lord *Wilmot* with them, who undertook they should attend the Committee the next Sitting ; which they did accordingly : And, in pursuance of the Order and Warrant of the House for the apprehending of them, they were both attach’d by the Serjeant’s Deputy : So the House may be pleased to send for them, and to do therein as they see Cause.

‘ For the Letters last received out of *Scotland* from the Committee ; they speak of something intended to be done there upon the Persons of divers Lords of *Scotland* : And, in regard some of the Parties, suspected to have a Hand in that Design, are suspected to be Papists, the Committee did conceive they might have Correspondency with the like Party here ; and therefore commanded me, Yesterday, to write to my Lord Mayor of *London*, to place convenient Guards in several Places of the City, till he received further Directions from the Parliament ; and likewise to the Justices of Peace for *Middlesex*, *Westminster*, and *Southwark* ; and to observe such further Direction as they should receive from the Earl of *Essex*, who, in his Majesty’s Absence, is appointed General on this Side *Trent*.

‘ I forgot to report one Thing, That, upon *Tuesday* was Sevensnight, the Committee here agreed, and so ordered, That the Committee in *Scotland* should, unless they see Cause to the contrary, return home ; and, lest our Letters might miscarry, commanded me to send an exprefs Messenger to

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An. 17. Car. I. them, and I did so; and wrote also, by the weekly Post, of our Order, as also of the Lords Order, for their Commissioners to come home. The Party I sent, who was commended to me for a very honest Man, should have been there on the *Monday* following, which he easily might have done, if he had been well; but on *Friday* last he was not come to *Edinburgh*, neither could he be heard of in all the Road; so that we may justly fear some Misfortune is befallen him; that he is knocked on the Head, and his Letters taken from him.

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A Conference
with the Lords
thereupon.

Upon this Report it was *resolved*, upon the Question, 'That a Conference be desired with the Lords, concerning the Security of the Kingdom and Parliament.'

Resolved also, 'That Sir *John Berkeley* be sent Prisoner to the *Tower*, and *Daniel Q'Neal* to the *Gatehouse*.'

The same Day Mr. *Pymme* reported the Heads for the said Conference, as follows:

'That the Committee, in the *first* Place, do conceive, that the Letter from the Committee be read (dated the 14th of *October*) at the Conference; And that this House hath taken into Consideration;

1. 'That when there was a Design, somewhat of the same Nature, in this Kingdom, to seduce the King's Army to interrupt the Parliament here, there was the like Design at that Time in *Scotland*.

2. 'The principal Party named in that Design in *Scotland*, is a Person suspected to be Popishly affected; and therefore may have Correspondency with the like Party here.

3. 'That it hath been published here lately, that some Things were to be done there, in *Scotland*, before it broke out there; therefore we may suspect some Correspondency here:

'So, upon these Grounds, to propound, 1. That a strong Guard be kept in the City of *Westminster* and *London*. 2. That Care be taken for the future for the Defence of the whole Kingdom: But this in general.

'Next,

‘Next, that these two Gentlemen, Sir *John Berkeley* and Serjeant-Major *O’Neal*, did come in during the Recess; and that the one is committed to the *Tower*, and the other to the *Gatehouse*: And therefore to desire their Lordships that they may be examined, according to the former Manner for the Examination of the other Parties accused for the same Crime, by the Committee of Lords appointed for that Purpose.

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‘Next, to let them know the Garrison of *Carlisle* is totally disbanded; and that, of the Garrison of *Berwick*, there remaineth only five Companies of Foot, all the Horse being disbanded: And to acquaint them with his Majesty’s Direction, sent by Secretary *Vane*, for the Stay of those Soldiers: And that the Money design’d for that Service, to disband that Garrison, was proportioned only until the 15th of *October*: That the Commonwealth should be at no further Charge concerning the same, either for the Men or Shipping that are to stay there still; Order being taken, and Money sent down, for their disbanding the 15th of *October*, according to the Treaty.

October 21. The Commons resolved, ‘That another Head of the foregoing Conference should be, To move that an express Messenger be sent to the Committees of both Houses in *Scotland*, to let them know, that the Parliament takes well their Adversitiment; and that they conceive the Peace of that Kingdom concerns the Good of this Kingdom; and that, if there be any Tumult to oppose the Acts confirm’d by both Kingdoms, and his Majesty will command any Assistance to suppress them, both Houses will be ready to maintain his Majesty in his Greatness, and to suppress those that are Disturbers of the Peace.’

The Heads thus prepared for a Conference, were afterwards communicated to the Lords, who were very sensible of the Matters to them reported; and, speedily taking the same into Consideration, agreed to all the Proposals made by the House of Commons.

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The Lords and Commons having agreed to write a Letter to their Committees in *Scotland*, as also to send Instructions how they were to act there on this new Affair, they were both read this Day and approved of by the Houses ^b.

A Complaint was made to the House of Commons by the Troopers of the *English Army*, against Sir *John Conyers*, their General, for reducing some of their Pay at the disbanding of the Army; which was referred to a Committee.

The Commons desire the Lords to hasten the Proceedings against the impeached Bishops.

October 22. This Day the Commons sent up Mr. *Holles* to the Lords, to put them in mind of their Complaint exhibited against the thirteen Bishops, who made the last new Canons, and to pray a speedy Proceeding therein. The Lords returned Answer, 'That they had appointed the 10th of *November* next for a peremptory Day to them, and that they then do intend to proceed with all Expedition.'

A Bill to disable the Clergy from exercising any Temporal Jurisdiction.

October 23. A Bill *For disabling all Persons in Holy Orders to exercise any Temporal Jurisdiction or Authority*, was passed and sent up to the Lords by Sir *Gilbert Gerrard*, with a Desire that it might be proceeded in with all Expedition. The following is a Copy of this extraordinary Bill ^c:

' **W** Hereas Bishops, and other Persons in Holy Orders, ought not to be intangled with Secular Jurisdiction, the Office of the Ministry being of such great Importance that it will take up the whole Man: And for that it is found, by long Experience, that their Intermeddling with Secular Jurisdiction hath occasioned great Mischief and Scandal both to Church and State; his Majesty, out of his religious Care of the Church, and the Souls of his People, is graciously pleased, that it may be Enacted, and, by the Authority of these
' Pre-

^b The Letter and Instructions are at large in *Rushworth*, Vol. IV. p. 391.

^c *London*, printed for *John Thomas*, 1641.

‘ Presents, be it Enacted, That no Archbishops or Bishops, or any other Person that now is, or hereafter shall be, in Holy Orders, shall, at any Time after the 10th Day of *November*, in the Year of our Lord God 1641, have any Suffrage or Vote, or use or execute any Power or Authority, in the Parliament of this Realm; nor shall be of the Privy Council of his Majesty, his Heirs or Successors; or Justices of the Peace of Oyer and Terminer, or Goal Delivery; or execute any Temporal Authority, by Virtue of any Commission; but shall be wholly disabled and be incapable to have, receive, use, or execute any of the said Offices, Places, Powers, Authorities, and Things aforesaid.

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‘ And be it further Enacted, by the Authority aforesaid, That, from and after the said 10th Day of *November*, all Acts which shall be done by any Archbishops or Bishops, or other Persons whatsoever in Holy Orders, and all and every Suffrage or Vote given or delivered by them, or any other Thing done by them, or any of them, contrary to the Purport and true Meaning of this present Act, shall be utterly void to all Intents, Constructions, and Purposes.’

This Day both Houses adjourned, to go into a Committee to hear a Relation to be made by the Earl of *Holland*, Lord-General, touching the Disbanding of the late Army in the *North*.

Great Mutinies and Disorders were now on foot by the disbanded Soldiers, who came in Companies to the Parliament House, and demanded their Pay. The Train'd Bands of *Westminster* attended all Day in Arms, in the *Palace-Yard*, till both Houses rose. Afterwards they received Directions from the Earl of *Essex*, Lord-General in the King's Absence, to divide their Company in two Parts, that one hundred might attend for the Day, and be relieved by the like Number at Night. Many Orders are in the *Journals* of both Houses about quieting the disbanded

Tumults and Disorders.

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October 26. When the Lord Keeper signified to the Lords, that he had received a Letter from his Majesty, written all with his own Hand, which he read in *hæc Verba* :

My Lord Keeper,

The King's Letter to the Parliament, from Edinburgh.

Since that, by the Necessity of my Affairs, I am detained here so long, that I cannot be down at the Sitting of the Parliament; I have thought fit, by these Lines, to direct you to let both Houses know, in my Name, That as this my long Absence is beyond my Expectation, so it is against my Desire; and that I will make all the Diligence that the Weightiness of these Affairs will possibly permit to return; and so I rest

Your assured Friend,

Edinburgh, Oct. 20.
1641.

CHARLES R.

Proceedings against Judge Berkeley.

This Day Sir Robert Berkeley, Knight, one of the Judges of the King's Bench, was brought to the Bar of the House of Lords as a Delinquent^d; when the Lord Keeper told him, 'That he was now to hear the Charge of High Treason, brought up against him by the House of Commons, read; and that the Lords expected his Answer thereunto.' Which being read, he gave their Lordships humble Thanks for their Justice in calling him to make his Answer; and acknowledged the Justice of the House of Commons, that they had desired he might make his Answer to their Charge, and be proceeded against according to Law. Withall, he made it his humble Request to their Lordships, that they would permit him a little Time now, to speak somewhat to the Particulars of the Charge; and, having obtained Leave of the House so to do, he made a long Speech on the particular Articles of his Impeachment; and

con-

^d Rushworth has omitted these Proceedings against Judge Berkeley.

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concluded, That he was not guilty in Manner or Form as was laid against him in the said Impeachment. He then presented to the House a Petition, humbly desiring their Lordships to take the Particulars into Consideration.

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To the Right Honourable the LORDS assembled in Parliament,

THE HUMBLE PETITION of Sir ROBERT BERKELEY, Knt. one of the Judges of his Majesty's Court of King's-Bench.

YOUR Lordships having, as your Petitioner conceiveth, appointed the 2d of November next for his Trial, he most humbly prayeth, That your Lordships would be pleased to grant unto him your Lordships present Warrant for such Witnesses as he shall have Cause to use at his Trial.

His Petition as
to Witnesses,
Counsel, &c.

That your Lordships would be pleased to admit, and, if Need be, to assign him Counsel for his necessary Defence in point of Law, which may happen upon the Matter of High Treason, of which he is impeached; and, in point of Law and Facts upon the Matters and Misdemeanors, of which he is also impeached.

That for the few Days, till the Time of his Trial, he may remain in Custody of the Sheriff of London, where he hath been a true Prisoner near three Quarters of a Year; in whose House all his Collections and Papers are for his Defence: And that he may have your Lordships Licence to go, with a Keeper, to Serjeants-Inn, to look out some Papers which he hath there, and shall have Occasion to produce at his Trial; as also there to confer or advise with such Counsel as your Lordships shall think fit to admit or assign unto him.

And your Petitioner, according to his bounden Duty, shall always pray for the Continuance of your Lordships Honour and Happiness.

ROBERT BERKELEY.

Here-

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Hereunto were added the Names of eight Lawyers to be assigned as Counsel to the Petitioner; but before the Lords gave any Answer to it, it was first carried, That the Bishops should not be present in the Debate on the Matter of High Treason, in this Cause, but for Misdemeanor only they were to be admitted. After which every Article that the Judge had petitioned for was granted him; and a Message agreed upon to be sent down to the Commons, That he had pleaded *Not Guilty* to their Impeachment.

His Trial put off. Two Days after this Trial was, at the Instance of the House of Commons, for want of Witnesſes, put off by the Lords *sine Die* *.

A Conference concerning the thirteen Bishops, and a Bill for taking away the Votes of their whole Order.

This Day also it was resolved by the Commons to have a Conference with the Lords concerning the sequestering the thirteen Bishops, accused by them, from their Votes in Parliament. Likewise to desire their Lordships to sequester the rest of the Bishops from their Votes, upon the particular Bill sent from that House, for the taking away of all their Votes in Parliament. A select Committee was named and ordered to prepare Heads for this Conference.

October 27. The Lord Privy-Seal reported the Conference Yesterday with the House of Commons, concerning Bishops, as follows :

Mr. Pymme's Speech on that Occasion.

* *Mr. Pymme* declared from the House of Commons, That there is nothing of greater Importance to the Safety and Good of the Kingdom, than that this High Court of Parliament, which is the Fountain of Justice and Government, should be kept pure and uncorrupted, free from Partiality and By-respects: This will not only add Lustre and Reputation

* *Whitlocke* says, ' That Sir Robert Berkeley was a very learned Man in our Laws, a good Orator and Judge, and moderate in his Ways, except his Desires of the Court-favour: That he redeemed himself, afterwards, by supplying the Parliament's Occasions with 10,000*l.* and ended his Days in a private Retirement; yet not without considerable Gains by his Chamber Practice, and left a plentiful Fortune to his Family.'

Memorials, p. 39.

tation, but Strength and Authority to all our Actions. Herein, he said, your Lordships are specially interested, as you are a Third Estate by Inheritance and Birth-right; so the Commons are publicly interested by Representation of the whole Body of the Commons of this Kingdom, whose Lives, Fortunes, and Liberties are deposited under the Custody and Trust of the Parliament.

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‘ He said, The Commons have commanded him and his Colleague, Mr. Solicitor-General, to present to your Lordships two Propositions, which they thought very necessary to be observed and put in Execution at this Time.

First, ‘ That the thirteen Bishops, which stand accused before your Lordships for making the late pretended Canons and Constitutions, may be excluded from their Votes in Parliament.

Secondly, ‘ That all the Bishops may be suspended from their Votes upon that Bill, intituled *An Act to disable all Persons in Holy Orders to exercise any Jurisdiction or Authority Temporal*.

‘ The first of these was committed to his Charge, and he said he was commanded to support it with three Reasons.

1st. ‘ That the thirteen Bishops have broken that Trust to which every Member of Parliament is obliged; which Trust is to maintain,

1. ‘ The Prerogative of the King.
2. ‘ The Privilege of Parliaments.
3. ‘ The Property of the Subject.
4. ‘ The Peace of the Kingdom.

‘ And this Trust they had broken, not by one transient Act, but by setting up Canons in Nature of Laws, to bind the Kingdom for ever.

‘ That the Canons are of this Nature, appear’d by the Votes of both Houses; and that they were all Parties to the making thereof, appear’d by the Acts of that Synod. The Book itself the Commons cannot tender to your Lordships, because they sent for it, but he that hath the Book in Custody was out of Town; but a Member of their own House, upon View of it, is ready to depose,
That

An. 17. Car. I. That their Names were entered among those that did subscribe to it.

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‘ Wherefore the House of Commons desire your Lordships, in the *first* Place, to consider, Whether they that take to themselves a Legislative Power, destructive to Parliaments, be fit to exercise that Power of making Laws, which only belongs to the Parliament.

2dly, ‘ Whether it be safe for the Commonwealth, that they should be trusted with making Laws, who, as much as in them lay, have endeavoured to deprive the Subject of those good Laws which are already made.

‘ A *third* Reason is this, That they stand accused of Crimes very heinous ; that is, of Sedition, and of Subversion of the Laws of the Kingdom. This will easily appear in the Nature of the Canons themselves, as also by the Votes to which your Lordships and the Commons have already agreed.

Here the Votes of both Houses were read by Mr. Goodwin.

‘ For the *second* Proposition, he said, That should be handled by one that will do it with more Advantage of Reason and Learning than he could do, therefore he would leave it to him.’

Mr. St. John's
on the same Sub-
ject.

‘ Then Mr. Solicitor-General informed their Lordships, That the excluding of the Bishops from Votes in Parliament was not of so general Consequence, as that, by it, the whole Clergy of *England* were excluded.

‘ The *first* Reason he offered was this, That the Bishops did not vote for the whole Clergy ; for that if it should be so, then the Clergy of *England* would be twice represented, and twice voted for in Parliament.

1. ‘ This appears by all the antient Writs of Summons ; which, till of late, were to this Effect : A Writ of Summons went to the Bishop commanding him *summonire* all the Clergy of his Diocese to appear by Proxies of their choosing. What to do ? *Ad consentiendum iis quæ de Communi Concilio Regni*

Regni ordinari contigerit. So that if the Bishops do represent the Clergy, then the Clergy are twice represented; first by the Proctors, and again by the Bishops. Now, although the Form of the Writs be alter'd, yet the Reason holds, and still remains.

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2. ' If they vote for the Clergy, then they are to be elected by the Clergy, as the Members of the Commons House now are; but your Lordships, voting only for yourselves, need no Election.

3. ' If they voted for the Clergy as a Third Estate, then it would follow that no Act of Parliament could be good where they did dissent; but many Acts of Parliament are passed, where all the Clergy dissented. And the last, he said, that came to his Memory, was the Statute of 1. Elizabeth, establishing the Book of Common Prayer, to which all the Bishops did dissent. The Entry in the Roll is. *Dissentientibus Episcopis*; and yet that Statute is holden for a good Law to this Day. This was offered to shew, That it might not be conceived, that the denying the Bishops to have Votes in this Bill now before your Lordships, was of such general Influence as to take from the Clergy any Interest or Privileges that formerly belong'd to them.

' In the second Place he said, He was to present the Sense of the whole House of Commons to your Lordships, That the Prelates have not so absolute a Right of Peerage for voting in Parliament, as the Temporal Lords have out of Parliament. This appears by that Instance of highest Consequence, that they are not triable by their Peers for their Lives, but by an ordinary Jury. In Parliament they have no Vote in Judgment of Blood, Life, or Member: But if their Peerage were so inherent in them as it is in the Temporal Peers, no Ecclesiastical Canons could take it from them. Besides, in Point of Right, it hath been resolved by all the Judges of England, 7. Henry VIII. in *Keilway's Reports*, ' That the King may hold his Parliament, by the Lords Temporal and Commons, ' without calling of the Bishops; and that, upon
' several

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 October. ‘several Occasions, especially concerning the Pope
 ‘or themselves, the Bishops have been excluded,
 ‘and their Votes not admitted herein.’ He said,
 he was commanded to offer some Precedents to
 your Lordships upon the sudden.

‘In the Parliament of 25. *Edward I.* the Bishops refused to join with the Lords and Commons in granting of Subsidies for the Good of the Kingdom. This was holden at *Bury*; and, *exclusive Clero*, many Acts were then made, never since question’d^a.

‘In 35. *Edward I.* at the Parliament at *Carlisle*, divers Petitions were there exhibited by the Commons concerning the Prelates and Lord Abbots, for oppressing the poor Clergy; and several Acts were made for their Relief: But by whom? By the King, Earls, Barons and other Nobles, and the Commons only. Now, in respect the several Ranks of the Nobility are named, it is evident the Bishops did not consent; because that, in all other Acts where they do consent, they are particularly named. And if it be objected, ‘That they might be there and might give a Negative, and therefore were not named among them that did consent;’ it appears, that *habito Tractatu cum Comitibus, Baronibus, & cæteris Communitatibus*, the King did enact those Things, and never call’d the Bishops to the Debate^b: This appears in the Parliament-Roll.

‘In 20. *Edward III.* Parliament-Roll, N^o. 33. the Commons petition that no Allowance be made

^a This was occasioned by a Quarrel between that King and the Bishops, on account of the latter’s refusing to grant any Subsidy without Leave from the Pope.—See our First Volume.

^b This Assertion is a very great Mistake: For although the Ordinances and Statutes in this Parliament are said, in the *Statutes at large*, to be enacted by ‘our Lord the King, after full Conference and Debate had with his Earls, Barons, Nobles, and other great Men of his Kingdom touching the Premises, by their whole Consent and Agreement;’ without any Mention either of the Bishops or of the Commons; yet the Bishops, Abbots, and Priors were particularly summon’d by Name to this Parliament; and Writs were issued for the Election of Members for the Counties, Cities and Boroughs, as appears by the List, printed in our First Volume.

made to the Cardinals that had been in *France* for An. 17. Car. I.
treating of Peace^a: In the Roll it is thus entered 1641.
Assented unto as reasonable by the Dukes, Earls, Ba-
rons, and other the Lay Gentz, without ever nam-
ing the Bishops. Now these Words, *other Lay*
Gentz, shew that the Bishops were none of the
Number that voted in that Law: And it is to be
noted, That in Acts, where the particular Ranks
are set down, none of the Temporal Ranks have
ever been omitted; and if the Spirituality had voted;
they should have been named, tho' in Vote they
had dissented.

October.

‘ *Eodem Anno*, N^o 35 ad N^o 38, there being two
other several Acts made upon Petitions of the Com-
mons, the one against Provisions as to some Cardri-
nals, and the other to restrain the carrying of Mo-
ney to *Rome*; the Answer is made, as before, by
the Dukes, Earls, Barons, and Commonalty, never
mentioning the Lords Spiritual.

‘ In 3. *Ric. II. cap. 3.* and 7. *Ric. II. cap. 12.*
there are, in Print, Acts made by the King and
Lords Temporal only, without the Lords Spiritual.
The Statute of 7. *Ric. II.* recites the former Sta-
tute of 3. *Ric. II.* which said, ‘ Our Lord the
‘ King, by the Advice and common Assent of all
‘ the Lords Temporal, and Commons being in
‘ this Parliament assembled, hath ordained,’ *ut se-*
quitur in the Act. And these Acts made by the
King, the Lords Temporal and Commons only,
were upon the clamorous Complaints of the Com-
mons, about the giving of the Benefices of *Eng-*
land to Strangers and others, who never were reli-
dent upon their Benefices.’

This Report being made, the Lords took the
same into Consideration; and, for the better De-
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^a This Passage runs thus in the *Lords Journals*: But the Meaning
of it must be, That the King, by the Advice of his Parliament, took
into his own Hands all the Profits, Revenues, and Emoluments,
which the Cardinals of the *French* Faction, and other foreign Cler-
gymen, held within the Realm: For neither he nor his Lords
thought it reasonable that those who favoured the Pope, a *French-*
man by Birth, and the *French* King, should enjoy any such Promo-
tions or Advantages in his Kingdom, he being at that Time at War
with *France*.

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bate thereof, the House was adjourned into a Committee during Pleasure. And the Question being put, Whether those thirteen Bishops, that are impeached of Crimes from the House of Commons, should be suspended from their Votes in that House, whilst they stand *Reſti in Curia*? a long Debate ensued; which ended with an Order, 'That the farther Consideration of this Matter, and the Exclusion-Bill, should be referred to the 10th of November next.'

Oct. 28. A select Committee of the House of Commons was chosen to prepare, out of the whole Debate which happened this Day, a Petition to be presented to his Majesty, to prevent the Mischiefs that may happen to the Commonwealth, by the Choice and Employment of evil Counsellors, Ambassadors, Judges, Officers, and other Ministers of State; and to have Power to send for Parties, Witnesses, Papers, Records, and any Thing conducive to that Service.

We meet with the following Speech in the House of Commons, made by one Mr. Smith, dated as this Day, occasioned by the distracted State of these Times^b.

Mr. Speaker,

Mr. Smith's
Speech concern-
ing the Distrac-
tions of the
Times.

'THE last Time we assembled we sat like a College of Physicians upon the Life and Death of three great Patients, whose bleeding Hearts lay prostrate before us, and were arrived at that critical Minute, either to receive Relief or eternal Destruction. The three unfortunate Nations were presented to us in all their Distractions; and grown to such a superlative Height in their Miseries, that, like nursing Mothers bereaved of their tender Infants, they were careless of what might happen to them, *Quia perdiderant Libertates*. These three Kingdoms, whose Peace and Amity filled the remaining

^b It is only intitled, *An honourable Speech in Parliament*, Oct. 28, 1641, by Master Smith, of the Middle-Temple. Printed for W. Lowndes.

maining World with Envy and Emulation; and were like that happy Trinity of Faith, Hope, and Charity, in a perfect Union; had but now their Swords edged to each other's Confusion. *O Scelus Hominum!* Height of Impiety! *Kal ou Tíxeror!* said *Cæsar* in the Senate: It was not his Death that grieved him, but that his Son should advance his Hand to his Slaughter. How many Sons and *Nepews* had we, whose earnest Endeavours were to rip up their Mother's Womb, and, like Vipers, eat thro' her Bowels, and to lay desolate their Father's House?

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— *Quis Talia fando,*
Temperet a Lacrymis?—

‘ And yet all this had been but a Prologue to our Tragedy, had not God Almighty been pleased to interpose his Hand; to have been a Pillar of Fire betwixt us and our Captivity, and to have wrought our Deliverance by his great Instrument the Parliament; whose constant Labour it hath been, for this Year past, to create a true Understanding and firm Peace between the Nations; which I hope is so accomplished, that it is not in the Power of the Devil, or all his Works, ever to dissolve it.

‘ This, I say, was the Work of our last Sitting.

‘ Give me Leave now, Sir, I beseech you, to deliver what I conceive convenient to be of this;—
1. To give God his Due; 2. To establish the Rights between King and People; and, 3. To compose Things amongst ourselves.

‘ That, *first*, we may give God his Due, we must advance his Worship, and compel Obedience to his Commands, wherein he hath been so much neglected. Honour and Riches have been set up for Gods, in Competition with him: Idolatry and Superstition have been introduced, even into his House; the Church and he expelled: His Name hath been blasphemed, and his Day profaned, by the Authority of that unlawful Book of Sports; and those, who would not tremble thus to dishonour God, would not scruple to do it to their Parents, or injure their Neighbours, either by

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Murder of them, or by Adultery, *David's* great Crimes. They have not only robb'd God of his Honour, but Men of their Estates, and part of Themselves; Members and Ears having been set to Sale, even to the deforming, that Creature whom God had honoured with his own Image. That they might colour this their Wickedness, Perjury and false Testimony have been more frequent with them than their Prayers: And all this proceeded out of an inordinate Desire of that which was their Neighbour's; and thus God, in all his Commandments, hath been abused. Can we then wonder at his Judgments, or think he could do less than he hath done to right himself upon such a rebellious People?

' I beseech you, Sir; let us do something to seat him in his Throne, and worship him all with one Mind; and not that every one should go to God a Way by himself. This Uncertainty staggers the unresolv'd Soul, and leads it into such a Labyrinth, that, not knowing where to fix, for fear of erring, it adheres to no Way; so it dies e'er it performs that for which it was made to live. Uniformity in his Worship is that which pleaseth him; and, if we will thus serve him, we may expect Protection from him.

' The next Thing that I conceive fit to be considered, is, ' To cause the Rights both of the King and People truly to be understood: ' And, in this, to give that Authority to the Prerogative which legally it hath, and to uphold the Subjects Liberty from being minced into Servitude.

' That the King should have a Prerogative is necessary for his Honour, it distinguishes him from his People; but if it swells too high, and makes an Inundation upon his Subjects Liberty, it is no longer then to be styled by that Name. The Privilege of the Subject is likewise for his Majesty's Honour. King *David* gloried in the Number of his People; and Queen *Elizabeth* delivered, in a Speech in Parliament, ' That the Greatness of a Prince

‘ Prince consisteth in the Riches of his Subjects;’ An. 17. Car. I.
intimating, That then they stood like lofty Cedars
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about him, to defend him from the Storms of the
World; and there were ample Demonstrations of
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this in that renowned Queen’s Reign. But what
Encouragement can they have, either to increase
their Numbers or Estates, unless they may have
Protection both for themselves and Estates? There-
fore the Privilege and Greatness of the Subject are,
relatively, for the Honour of the Prince.

‘ Prerogative and Liberty are both necessary to
this Kingdom; and, like the Sun and Moon, give
a Lustre to this benighted Nation, so long as they
walk at their equal Distances: But when one of
them shall venture into the other’s Orb, like those
Planets in Conjunction, they then cause a deeper
Eclipse: What shall be the Compass then by which
these two must steer? Why, nothing but the same
by which they subsist, the Law; which, if it might
run in the free Current of its Purity, without being
poisoned by the venomous Spirits of ill-affected Dis-
positions, would so fix the King to his Crown,
that it would make him stand like a Star in the Fir-
mament, for the Neighbour-World to behold and
tremble at.

‘ That they may be the better acted, I shall
humbly desire, that, after so many Times, that
great Charter, the Light of the Law, may be re-
viewed; the Liberty of the Subject explained, and
be once more confirmed; Penalties imposed on
the Breakers; and let him die with the Bargain
that dares attempt the Act.

‘ The last Thing that falls into Consideration,
is, ‘ To set Things right amongst ourselves, the
‘ Subjects of *England*.’ And, in this, so to pro-
vide, that the *Mecænas*’s of the Times may not,
like great Jacks in a Pool, devour their Inferiors,
and make Poverty a Pavement for themselves to
trample on. This hath been a Burden we have
long groaned under; for if a Great Man did but say
the Word, it was sufficient to evict my Right, even

An. 17. Car. I. from my own Inheritance. They had both Law and Justice so in a String, that they could command them with a Nod; and thus People have been disinherited of their common Right, the Law, which is as due to them as the Air they breathe in.

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‘On the other Side, we must take Care, that the common People may not carve themselves out Justice, by their Multitudes. Of this we have too frequent Experience, by their breaking down Inclosures, and by raising other Tumults to as ill Purposes; which, if they be not suddenly suppress’d, to how desperate an Issue this may grow, I’ll leave to your better Judgments. My humble Motion, therefore, is, That an Intimation may go forth into the Country, to wish those that are injured to resort to the Courts of Law; and, if there they fail of Justice, in Parliament they may be confident to receive it.’

An Order of the House of Commons was this Day made and published, declaring, ‘That because much important Business, concerning the Church and State, did yet remain unsettled; and to prevent the Danger that might grow in this Time of Contagion, by a great Resort of People to different Committees for private Affairs; and the House having appointed to sit daily, from Ten to Three in the Afternoon, it was ordered, That all such Committees be, from henceforth, suspended.’

October 29. At this Time there being a Vacancy, in the Church, of five Bishops Sees; and, the King purposing to fill them up at his Return, a Motion was made in the House of Commons, That a Conference should be had with the Lords, to desire them to join with that House in a Petition to his Majesty, to stay the making of these five Bishops, until further Consideration be had with both Houses about it. A Debate arising on this, the House divided; when it was carried for a Conference, 71; against it, 53; and a Committee was appointed accordingly.

A Conference appointed on occasion of five Bishopricks being vacant.

October

October 30. The House of Commons passed several Resolutions and Censures on the Patentees for Soap, &c. and sent to the Lords to desire they would sit that Afternoon, having Business of Importance to communicate to them. Soon after another Messenger was sent up to them, to desire a present Conference touching the Safety of the Kingdom, and the Security of the Prince's Person. The Lords agreed to this Conference; and, being returned from it, the Lord Keeper reported the Substance of it to the Lords, to this Effect:

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'That the House of Commons were full of Tenderness for the King's Honour, and Duty to the King's Person and his Posterity. It was said, that it was no News, now-a-days, to hear of dangerous Designs, therefore the House of Commons have Reason to look into every Corner whence Danger may come. And, upon Information, that House understands that the Prince, of late, hath been much from his House, at *Oatlands*, out of the Custody of his Governor. They do not doubt of the motherly Affection and Care of the Queen towards him; but there are dangerous Persons at *Oatlands*, Priests and Jesuits, as hath of late appeared by some Examinations taken; and that some of them were sent for by the House of Commons.

Report of a Conference concerning the Safety of the Prince, &c.

'Upon these Reasons that House desires that a Message may be sent to the Lord Marquis of *Hertford*, from both Houses of Parliament, that he would, forthwith, take the Prince into his Custody and Charge, and attend upon him in Person; and to desire that the Prince would make his ordinary Abode and Residence at his own House, at *Richmond*; and that his Lordship would place such Persons about him as he will be answerable for to both Houses.'

Hereupon the Lords taking this Report into Consideration, resolved to send the Lord Marquis of *Hertford* and the Earl of *Holland*, to acquaint the Queen with it, and present to her Majesty the Reasons aforesaid for it. They then made the following

A Message sent to the Queen thereupon.

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mons, and sent to the Marquis.

November.

‘ The Desire of both Houses of Parliament is,
‘ That the Lord Marquis of *Hertford*, Governor
‘ to the Prince, will take Care that his ordinary
‘ Residence and Abode be at his own House; and
‘ that no such Person, as may give Cause of Distrust
‘ of meddling with him, either in any Point against
‘ his Religion, or against the Security of his Person,
‘ be admitted about him; and, to this Purpose,
‘ that the said Marquis do diligently attend him in
‘ Person; and this Care both Houses expect that
‘ his Lordship will take, as he will answer it to the
‘ King and Kingdom.’

Her Majesty's
Answer.

The Queen return'd Answer, *That she gave the
Parliament Thanks for their Care of her Son. The
Occasion why she sent for him, was to celebrate
the Birth-Day of one of his Sisters; but that he
should be presently sent back to Richmond. And
added, That she made no doubt but, at the King's
Return, the Parliament would express the same Care
of his Majesty's Honour and Safety.*

November 1. In the Morning of this Day, the
Lord Keeper, the Lord Privy Seal, the Earl Mar-
shal, the Lord Admiral, the Lord Chamberlain,
the Earls of *Bath, Dorset, Leicester, Warwick, Hol-
land, Berks, and Bristol*, with the Lords *Say and
Sele, Mandeville, Goring, and Wilmot*, all Lords of
his Majesty's Most Honourable Privy Council,
came into the House of Commons; and informed
the Members of certain Intelligences which were
lately come, of a great Treason and general Rebel-
lion of the Papists in *Ireland*, and a Design of cut-
ting off all the Protestants there, and seizing on all
the Forts in that Kingdom. The Letters and Exa-
minations that expressed the Nature of these Trea-
sons, were all read publickly in the House, in Pre-
sence of the said Lords, who had Chairs set on
purpose for them; and, after they had been there a
little while, Mr. Speaker desired them to sit and be
covered.

A Committee of
Lords acquaint
the Commons
with the Rebel-
lion in *Ireland*.

These Letters and Examinations are entered at An. 17. Car. I.
Length in the *Lords Journals* of this Day; but since
they are also in *Rushworth's Collections*, and in
other Historians of these Times, and are much too
long for our Purpose, we shall omit them; and
only give the Resolutions of the Commons on this
important Occasion.

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On the Lords withdrawing, the House of Commons went immediately into a Committee to take this Affair into Consideration, and to provide for the Safety of both Kingdoms; and, after some Time spent therein, it was *resolved*, upon the Question, 'That the Sum of 50,000 *l.* be forthwith provided: That a Conference be desired with the Lords, to move them, that a select Committee of both Houses may be appointed to go to the City of *London*, and acquaint them with the Business in *Ireland*; and that the lending of Money at this Time will be an acceptable Service to the Commonwealth: To propose unto them the Loan of 50,000 *l.* and assure them that they shall be secured, both for Principal and Interest, by Act of Parliament.'

Resolutions of
the Commons
thereupon.

Resolved, 'That another Head of this Conference shall be to desire the Lords, that a select Committee of both Houses may be named, to consider of the Affairs of *Ireland*, and of the raising and sending of Men and Ammunition thither from hence: A Declaration of both Houses to be sent into *Ireland*; and that this Committee may have Power to open such Packets as come from thence, or go from hence thither.'

Resolved, upon the Question, 'That *Owen Connolly*, who discovered the great Treason in *Ireland*, shall have 500 *l.* presently paid him, and 200 *l.* *per Annum*, Pension, untill Provision may be made of Inheritance, of greater Value; and to be recommended to the Lord Lieutenant there for some Preferment.'

Resolved, upon the Question, 'That the Persons of Papists of Quality may be secured, in the several

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AN. 17. CAR. I. several Counties of this Kingdom where they reside ; and that such *English* Papists as have, within one Year last past, removed themselves into *Ireland*, except such Persons as have antient Estates and Habitations there, may, by Proclamation, be recalled, within one Month after the Publication of it in that Kingdom ; or else some Course be taken, by Act of Parliament, to sequester their Estates.

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There were some other Resolutions made, relating to the Dissolution of the *Capuchin-House* in the *Strand* : To desire that the Ambassadors may be sent to, to deliver up such Priests, as are the King's Subjects, in their Houses : That a List may be brought in of the Queen's Priests, and other her Servants, with those of the Prince, and all such as are about the King's Children. A Proclamation, commanding all Strangers, that are not Protestants, to deliver in Tickets of their Names, within two Days, or else to depart the Kingdom. All Inn-keepers, and others that entertain Lodgers, to give in Tickets of the Names of all such as lodge in their Houses, to the Lord Mayor and Aldermen of *London*, or to the next Justices of the Peace in *Middlesex*, &c. All which Votes and Resolutions were agreed unto by the Lords at a Conference.

A Member expelled for selling Protections.

November 2. The Commons expelled Mr. *Henry Benson*, Member for *Knaresbrough*, for granting and selling Protections ; and a Writ was ordered to chuse a new Member in his Room.

One *Robert Philips*, a Romish Priest, and Servant to the Queen, was brought before the House of Lords, to be examined as a Witness ; who hearing the Oath read to him which he was to take, objected to it as being too general, and that he might thereby be obliged to accuse himself : But the Lords satisfying him in that Point, he consented : Then a Bible being brought, he said, *That the Bible used by them was not a true Bible, and therefore his Oath would not bind him* ; which Words he affirmed a second Time. The Lords conceiving that these Words were used, without any Occasion given, to the

the Scandal of their Religion, and in the Face of a Parliament, thought proper to send the said *Philips* to the Tower; and these Reasons were ordered to be delivered to the Queen for his Commitment.

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November 3. Several more Orders made, by both Houses, relating to the *Irish* Affairs; and a Letter ordered to be wrote and sent to the King in *Scotland*, pressing his speedy Return to this Kingdom. The Houses meeting with some Reluctancy, in the City of *London*, concerning the present Loan of 50,000*l.* as demanded; the Commons order'd 20,000*l.* to be forthwith had out of the ready Money in the Treasury; and voted that 6000 Foot and 2000 Horse, be speedily raised and transported into *Ireland*: That a convenient Number of Ships shall be provided to guard the *Irish* Coasts; and that Magazines of Victuals, &c. shall be placed in the several Ports of this Kingdom, ready for transporting to *Ireland*, with other Articles of the like Nature: To all which the Lords agreed.

The Queen's Confessor committed to the Tower.

Proceedings relating to the *Irish* Rebellion.

November 4. Both Houses were yet very busily employed on the *Irish* Affairs: A Declaration was framed to be sent there and published: Letters sent also to the Lords Justices in that Kingdom, with Orders how to proceed in their Conduct for suppressing the Rebellion.

November 5. Little Business done because of the Solemnity of the Day. Dr. *Burgefs* preach'd before the Commons, and was desired to print his Sermon. A Report was made to the House of Lords, by the Lord *Seymour*, of the Queen's Answer to the Message sent her about the Commitment of Father *Philips*, her Confessor; which was in these Words:

My Lords,

THE Message I received from you, I have taken into serious Consideration, and do not a little wonder that Father *Philips* should so much forget himself, as

The Queen's Answer to the Lords Message relating to her Confessor.

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I. as I find he hath done; which I am so far from approving, that I cannot but be sorry for it. I must acknowledge your Respects to me, in giving me Satisfaction in your Proceedings therein. If I did not believe what was done by him is out of Simplicity, I should not speak for him. You all know how near he is to me by the Place he holds; and if it shall appear unto you, that he hath not maliciously done any Thing against the State, if, for my Sake, you will pass by this present Offence, I shall take it as a further Testimony of your Respects unto me; which I shall be ready to acknowledge upon all Occasions that shall offer.

Some Days after, the Priest, petitioning for a Release, the Lords were inclined to grant it, on his humble Submission; but, sending to the Commons, it was refused; and he was not admitted to Bail till the second of next Month.

Several Days now passed over, without any Thing material in the *Journals*, except more Orders for levying Forces, and carrying a Prefs-Act thro' both Houses, till

November 10, when the Commons went upon two great Points, the framing of new Instructions to be sent to their Commissioners in *Scotland*, and preparing a Declaration, or Remonstrance, of the State of the Kingdom. The latter of these was read the first Time, in the Commons, the Day before; when several more Grievances were given in, and ordered to be added to it! And the Instructions were reported to the House of Lords as follows ^k:

Instructions from the Parliament to their Commissioners in *Scotland*.

I. ' **Y**OU shall humbly inform his Majesty, that the Propositions made to the Parliament of *Scotland*, concerning their Assistance for suppressing the Rebellion in *Ireland*, hath been fully considered and debated by both Houses of
' Par-

^k The Articles in these Instructions are somewhat transposed in *Rushworth*, but are, *totidem Verbis*, the same as in the *Lords Journals*; The succeeding Speech of Mr. *Pymme* is copied from those Authorities, and is not in his Collections.

Parliament here; and their wise and brotherly Expressions and Proceedings are apprehended and entertained here by us, not only with Approbation, but with Thankfulness: Wherefore we desire that his Majesty will be pleased, that you, in the Name of the Lords and Commons of *England*, give public Thanks to the States of the Parliament of *Scotland*, for their Care and Readiness to employ the Forces of that Kingdom for the reducing the rebellious Subjects of *Ireland* to their due Obedience to his Majesty and the Crown of *England*.

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II. You shall further make known to his Majesty, that (in the great and almost universal Revolt of the Natives of *Ireland*, cherished and fomented, as we have Cause to fear, by the secret Practices and Encouragements of some foreign States, ill affected to this Crown; and, that the Northern Parts of that Kingdom may with much more Ease and Speed be supplied from *Scotland* than from *England*) we humbly desire and beseech his Majesty to make Use of the Assistance of his Parliament and Subjects of *Scotland*, for the present Relief of those Parts of *Ireland* which lie nearest to them; according to the Treaty agreed upon, and confirmed in both Parliaments, and their affectionate and friendly Disposition now lately expressed, as is more particularly specified in the 5th Article.

III. You shall present to his Majesty the inclosed Copy of the Declaration, which we have sent into *Ireland*, for the Encouragement of his good Subjects there, and for the more speedy and effectual opposing of the Rebels; and, in Execution and Performance of our Expressions, therein made, of Zeal and Faithfulness to his Majesty's Service, we have already taken Care for 50,000*l.* to be presently borrowed and secured by Parliament: We have likewise resolved to hasten the Earl of *Leicester*, Lord-Lieutenant of *Ireland*, very speedily to repair thither; and forthwith to raise a convenient Number of Horse and Foot,
for

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‘ for securing *Dublin* and the *English Pale*, with
‘ such other Parts as remain in his Majesty’s Sub-
‘ jection, intending to second them with a far
‘ greater Supply.

IV. ‘ We have further ordered and directed,
‘ That his Majesty’s Arms and Munition, lying in
‘ the City of *Carlisle*, shall be transported into the
‘ North Parts of *Ireland*, for the Supply of *Carrick-*
‘ *fergus*, and other his Majesty’s Forts and Garri-
‘ sons there; and that a convenient Number of
‘ Men shall be sent from the North Parts of *En-*
‘ *gland*, for the better Guard and Defence of those
‘ Forts and Countries adjoining; and that a large
‘ Proportion of Arms and other Munition shall be
‘ speedily conveyed, out of his Majesty’s Stores, to
‘ *West-Chester*, to be disposed of according to the
‘ Direction of the Lord-Lieutenant of *Ireland*, for
‘ arming the Men to be sent from *England*, and
‘ such other of his Majesty’s loyal Subjects as may
‘ be raised in *Ireland*.

V. ‘ And because we understand that the Rebels
‘ are like, with great Strength, to attempt the Ruin
‘ and Destruction of the *British* Plantation in *Ulster*;
‘ we humbly advise his Majesty, by the Counsel
‘ and Authority of his Parliament in *Scotland*, to
‘ provide, that one Regiment, consisting of 1000
‘ Men, furnished and accomplished with all neces-
‘ sary Arms and Munition, as shall seem best to their
‘ great Wisdoms and Experience, may, with all
‘ possible Speed, be transported into *Ireland*; under
‘ the Command of some worthy Person, well af-
‘ fected to the Reformed Religion, and the Peace
‘ of both Kingdoms, and well enabled with Skill,
‘ Judgment, and Reputation for such an Employ-
‘ ment; which Forces we desire may be quartered
‘ in those Northern Parts for the opposing of the
‘ Rebels, and Comfort and Assistance of his Ma-
‘ jesty’s good Subjects there; with Instructions from
‘ his Majesty and the Parliament of *Scotland*, that
‘ they shall, upon all Occasions, pursue and ob-
‘ serve the Directions of the Lord-Lieutenant, his
‘ Lieutenant-General, or the Governor of *Ireland*,
‘ accord-

according to their Authority derived from his Majesty and the Crown of *England*.

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VI. And, as touching the Wages and other Charges needful, which this Assistance will require, we would have you, in our Name, to beseech his Majesty to commend it to our Brethren, the Estates of the Parliament of *Scotland*, to take it into their Care, on the Behalf of his Majesty, and this Kingdom, to make such Agreements with all the Commanders and Soldiers to be employ'd, as they would do in the like Case for themselves; and to let them know, for our Parts, we do wholly rely upon their honourable and friendly dealing with us, and will take Care that Satisfaction be made accordingly.

VII. You shall represent to his most Excellent Majesty this our humble and faithful Declaration, that we cannot, without much Grief, remember the great Miseries, Burthens, and Distempers which have, for divers Years, afflicted all his Kingdoms and Dominions, and brought them to the last Point of Ruin and Destruction; all which have issued from the cunning, false, and malicious Practices of some of those who have been admitted into very near Places of Counsel and Authority about him; who have been Favourers of Popery, Superstition, and Innovation; Subverters of Religion, Honour, and Justice; Factors for promoting the Designs of foreign Princes and States, to the great and apparent Danger of his Royal Person, Crown, and Dignity, and of all his People; Authors of false Scandals and Jealousies betwixt his Majesty and his loyal Subjects; Enemies to the Peace, Union, and Confidence between him and his Parliament, which is the surest Foundation of Prosperity and Greatness to his Majesty, and of Comfort and Hope to them: That, by their Counsels and Endeavours, those great Sums which have been lately drawn from the People, have been either consumed unprofitably, or in the Maintenance of such Designs as have been mischievous and destructive to the State;

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State; and whilst we have been labouring to support his Majesty, to purge out the Corruptions and restore the Decays both of Church and State; others, of their Faction and Party, have been contriving, by Violence and Force, to suppress the Liberty of Parliament, and endanger the Safety of those who have opposed such wicked and pernicious Courses.

VIII. That we have just Cause to believe, that those Conspiracies and Commotions in *Ireland*, are but the Effects of the same Counsels; and if Persons of such Aims and Conditions shall still continue in Credit, Authority, and Employment, the great Aids which we shall be enforced to draw from his People, for subduing the Rebellion in *Ireland*, will be applied to the fomenting and cherishing of it there, and encouraging some such-like Attempt by the Papists and ill-affected Subjects in *England*; and, in the End, to the Subversion of Religion, and Destruction of his loyal Subjects in both Kingdoms; and do therefore most humbly beseech his Majesty to change those Counsels from which such ill Courses have proceeded, and which have caused so many Miseries and Dangers to himself and all his Dominions; and that he will be graciously pleased to employ such Counsels and Ministers, as shall be approved of by his Parliament, who are his greatest and most faithful Council; that so his People may, with Courage and Confidence, undergo the Charge and Hazard of this War; and, by their Bounty and faithful Endeavours, with God's Blessing, restore to his Majesty and this Kingdom that Honour, Peace, Safety, and Prosperity which they have enjoyed in former Times.

And if herein his Majesty shall not vouchsafe to condescend to our humble Supplication, altho' we shall always continue, with Reverence and Faithfulness to his Person and to his Crown, to perform those Duties of Service and Obedience, to which, by the Laws of God and this Kingdom, we are obliged; yet we shall be forced, in
Dis-

‘ Discharge of the Truſt which we owe to the State, An. 17. Car. I.
 ‘ and to thoſe whom we repreſent, to reſolve up- 1641.
 ‘ on ſome ſuch Way of defending *Ireland* from the
 ‘ Rebels, as may concur to the ſecuring ourſelves
 ‘ from ſuch miſchievous Counſels and Deſigns, as
 ‘ have lately been and ſtill are in Practice and A-
 ‘ gitation againſt us, as we have juſt Cauſe to be-
 ‘ lieve; and to commend thoſe Aids and Contribu-
 ‘ tions, which this great Neceſſity ſhall require, to
 ‘ the Cuſtody and Diſpoſing of ſuch Perſons of Ho-
 ‘ nour and Fidelity as we have Cauſe to conſide in.’
 November.

When theſe Inſtructions were read at the Con-
 ference, Mr. *Pymme* proceeded in explaining to
 the Lords the ſeveral Steps, as they are there called;
 by which evil Counſels become dangerous :

1^{ſt}, ‘ That the Dangers which come to the Mr. Pymme's
 State by ill Counſels, are the moſt pernicious of all Speech, at a Con-
 others: And ſince it is uſual to compare Politic Bo- ference, concern-
 dies with Natural; the Natural Body is in Danger ing the Danger
 divers Ways, either by outward Violence, that of evil Counſels.
 may be foreſeen or prevented; or elſe, by leſs ap-
 pearing Maladies, which grow upon the Body by
 Diſtempers of the Air, immoderate Exerciſe,
 Diet, &c. and when the Cauſes of the Diſeaſe are
 clear, the Remedy is eaſily applied; but Diſeaſes
 which proceed from the inward Parts, as the Liver,
 the Heart, or the Brains, the more noble Parts,
 it is a hard Thing to apply a Cure to ſuch Diſeaſes.
 Ill Counſels are of that Nature; for the Miſchiefs
 that come by evil Counſel corrupt the vital Parts,
 and overthrow the public Government.

2^{dly}, ‘ That there have been lately, and ſtill are,
 ill Counſels in this Kingdom, and about the King.
 That there have been lately, you will not doubt,
 when the main Courſe of the Government hath
 been ſo employed, as Popery thereby hath been
 maintained, the Laws ſubverted, and no Diſtinction
 between Juſtice and Injuſtice: And that there are
 ill Counſels ſtill, is apparent by the Courſes taken
 to advance miſchievous Deſigns; but that his Ma-
 jeſty's Wiſdom and Goodneſs kept them from the
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Heart, tho' they were not kept out of the Court : So most principal and mischievous Designs have been practised by such as had near Access unto his Majesty, tho' not to his Heart ; and the Apologists and Promoters of ill Counsels are still preferred.

3dly, ' The ill Counsels of this Time are, in their own Nature, more mischievous and more dangerous than the ill Counsels of former Times : Former Counsels have been to please Kings in their Vices, from which our King is free, and sometimes for racking of the Prerogative. If it had gone no further it had brought many Miseries, but not Ruin and Destruction : But the ill Counsels of this Time are destructive to Religion and Laws, by altering them both ; therefore more mischievous, in their own Nature, than those of former Times.

4thly, ' That these ill Counsels have proceeded from a Spirit and Inclination to Popery ; and have had a Dependence on Popery, and all of them tend to it. The Religion of the Papists is a Religion incompatible with any other Religion ; destructive to all others, and doth not endure any Thing that opposeth it. Whosoever doth withstand their Religion, if they have Power, they bring them to Ruin. There are other Religions that are not right, but not so destructive as Popery ; for the Principles of Popery are destructive of all States and Persons that oppose it. With the Progress of this mischievous Counsel they provide Counsellors, fit Instruments and Organs, that may execute their own Designs ; and so turn all Counsels to their own Ends : And you find, now in *Ireland*, that those Designs, that have been upon all the three Kingdoms, do end in a War, for the Maintenance of Popery in *Ireland*, and would do the like here if they were able ; so intent are they to turn all to their own Advantage.

5thly, ' That unless these ill Counsels be changed, it is impossible that any Assistance, Aid, or Advice that the Parliament can take to reform, will be effectual ; for the public Orders and Laws are but dead, if not put in Execution. Those that are the

the Ministers of State put Things into Action; An. 17. Car. I.
1641. but if acted by evil Men, and while these Counsels are on foot, we can expect no Good; it is like a Disease that turns Nutritives into Poison. November.

6thly, ' That this is the most proper Time to desire of his Majesty the Alteration and Change of the evil Counsellors, because the Commonwealth is brought into Distemper by them, and so exhausted that we can endure no longer. Another Reason why we cannot admit of them, is, to shew our Love and Fidelity to the King in great and extraordinary Contributions and Aids. When God doth employ his Servants, he doth give some Promise to rouse up their Spirits; and we have Reason now to expect the King's Grace in great Abundance. This is the Time wherein the Subjects are to save the Kingdom of *Ireland*, with the Hazard of their Lives and Fortunes; and therefore expect it from his Majesty in a more large and bountiful Manner than at other Times. A Time of great Agitation and Action; their State being ready, by Preparation, to annoy us, ill and false Counsels at home may quickly bring us to Ruin. As we have Weakness at home, so we ought to discern the Actions abroad, where great Provisions are made: And a Carelessness and Improvidence herein, when our Neighbours are so provided, and have great Fleets at Sea, will open a Way to sudden Ruin and Destruction, before we can be prepared; and therefore it is now the fittest Time to move the King.

7thly, and lastly, ' That this Alteration of Counsels will bring great Advantages to the King in his own Designs. In all our Actions, our Prayers to God should be, that his Name may be glorified; so our Petitions to his Majesty should bring Honour, Profit, and Advantage to him, by a Discouragement to the Rebels; a great Part of their Confidence resting in the evil Counsels at home, as by the Examinations appeareth. It will be a great Encouragement to the King's good Subjects at home, who hazard their Lives, and give Aid and Contribution, to have Things govern'd for the Public
C 2 Good.

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Good, It will make Men afraid to prefer Servants to the King that are ill Counsellors, when they shall come to the Examination of the Parliament; for many Times Servants are preferred to Princes for the Advantage of foreign States.

‘ This will put an Answer into the King’s Mouth against all Importunities, That he is to prefer none, but such as will be approved of by Parliament. Those that are honourable and most ingenuous are aptest to be troubled in this Kind, and not to deny: Therefore the King may answer, ‘ He hath promised his Parliament not to admit of any, but by Advice of Parliament.’ This will silence them all.

‘ These are domestic Advantages: But it will also make us fitter to enter into Union and Treaty with foreign Nations and States, and to be made Partakers of the Strength and Assistance of others; it will fortify us against the Designs of foreign Princes. There hath been one common Counsel at *Rome* and in *Spain*, to reduce us to Popery; if we pursue good Counsel at home, we shall be the better prepared to preserve Peace and Union, and better Respect from *Ireland*. It will also make us fit for any noble Design abroad.’

Previous to this Conference about evil Counsellors, &c. there had been a Debate in the House of Commons, this Day, on the same Subject, in which we find a Speech of Sir *William Drake*, Member for *Agmondesham*, as follows: ¹

Mr. Speaker,

Sir *Will. Drake*’s
on the same Sub-
ject.

‘ IF we consider those dangerous Disturbances that this Kingdom hath, of late Years, labour’d under, ’tis certain that, in a general and original Consideration, we cannot but impute them to the Wrath of God, for the Sins of this Nation; but, in a second and more particular Consideration, we may properly ascribe them to the violent Counsels of some late Ministers of State; who, either for want of Counsel,

¹ London, printed by *William Lowndes*, 1641. Not in *Rushworth* or *Nelson*.

fel, or by malicious Practices, have brought this State, Am. 27. Car. 1.
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November. from a happy, firm, and strong Constitution, to so weak and feeble a Temper, that the great Physician, the Parliament, cannot, but with extreme Difficulty, apply Remedies fit and proportionable to the Disease, without they inevitably run some Hazard of endangering the Body itself; it being very perilous to apply stronger Remedies than the Strength and Constitution of the Patient can well bear.

‘ Mr. Speaker, you were truly told, by a grave and worthy Member ^a, at the Beginning of this Parliament, That it must be some extreme Necessity, that would rectify and recover this State; and that, when that Extremity did come, it would be a great Hazard whether it might prove a Remedy or a Ruin; because violent Diseases do most commonly require violent Remedies, and violent Remedies are ordinarily pregnant of new Mischiefs; which hath caused those States, best skill’d in Government, always to discern Evil afar off in their Causes; and, by their Wisdom and Foresight, to prevent them. I am confident, had we had frequent Parliaments, we should have given a timely Stop to Mischiefs, and never have suffered them to have broken in upon us with such an Inundation of Distempers that, without Divine Prevention, may yet swallow us up.

‘ Mr. Speaker, it is observed of the *Roman Senate*, a Pattern of best Government so long as they held up their first Virtue and Valour, that, after a great Defeat by *Hannibal*, their Confederates began to forsake them. But *Hiero*, King of *Sicily*, having so piercing a Judgment, that he could see thro’ the present to the future; and observing the *Romans* still so considerate and constant in all their Proceedings; even in this extreme Exigency of their Affairs; and that their Laws were never more strictly observed by their Magistrates, nor their People more obedient to their Senate or Parliament; and how their Military Discipline was never, likewise, more severely observed: This wise Prince, seeing their

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Foundations stood thus firm, sent them Presents of great Value; and corresponded with them in a stricter League of Friendship than ever before: Not unlike a good Physician, who, seeing favourable Symptoms in the strongest Fit of his Patient's Disease, conceives firm Hope of his perfect Recovery.

‘ Now, Mr. Speaker, if we set before us an Image or Representation of those Distempers we stand environed withall, there could not possibly be that extreme Danger in them, but that there might be good Hopes of a speedy Recovery; had we kept close and constant to those Grounds of Religion, Laws, and Military Discipline, which have been noted by the wisest Legislators, to have been the main Cause, next under God, of the Strength and Duration of a State.

‘ But, Sir, if we examine it, how have our very Foundations been shaken? What Superstition and Innovations have been brought in upon our Religion, of late Times, by ambitious, heady, and passionate Men? And from this Fountain, originally, as I conceive, flows most Part of our present Distractions. Queen *Elizabeth*, of sacred and precious Memory to this Nation, keeping stedfast and constant to this Ground of Religion, kept this Kingdom peaceable and united at home; afforded a comfortable Influence and Assistance to the Protestant Parties abroad; and, after a long and happy Reign, went unto her eternal Rest in Glory.

‘ And truly, Sir, I speak it with all Humility, yet with some Confidence, that I shall never expect to see the quiet settled State of this Kingdom, till there be some Course taken to settle Religion to some Rule and Uniformity; and not to be thus suffered in an uncertain Condition, between illegal Innovations and Superstition on the one Side, and I know not what lawless and irregular Confusion on the other.

‘ And let us all, I beseech you, calmly and seriously consider, how natural a Motion it is to most Men, not limited by some Law, when they are come

come out of one Extreme, wherein they have been held by Fear; to run with as violent a Course into another, from Superstition and Idolatry to Irreverence and Contempt of God's public Worship and Ordinances.

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‘ For our Laws, Mr. Speaker, how have they been violated by illegal Taxations, Imprisonments, Monopolies, and other Pressures, whereby the Subject hath been prosecuted and grieved? But this is so obvious to every Man's Understanding and Sense, that I shall not insist upon it.

‘ Mr. Speaker, I come next to our Military Discipline; and how hath this Ground of Strength been shaken, partly by the Loss of able and experienced Commanders in fruitless, if not dangerous, Attempts abroad; and partly by Neglect, and not duly keeping up our Musters at home?

‘ Mr. Speaker, every Man may lay it as lightly to Heart as he pleases; but I shall be bold to tell you, that all the Laws, that we have or shall make for the Defence of our Religion or Liberties, without provident Care in this Particular, will be but like to sumptuous and glorious Structures without Roof or Covering, subject to all Weather and Storms that shall arise; and whatever Parliaments shall, with great Wisdom and Providence, plant for the good Estate of future Times, without due Provisions for our Military Defence, may be soon cut down again by the Violence and Malice of a stronger Sword.

‘ Therefore, Mr. Speaker, as you have taken a provident Care for the securing of the Havens and Port-Towns, so I desire there may be timely Consideration had of the Inland Strength of the Kingdom; and that Musters, in all Counties of the Kingdom, be carefully (especially in these perilous Times) kept up; and that Care be taken that every County may have a sufficient Proportion of Powder, and other Provision, for their necessary Defence. That all Commands may rest in faithful Hands; and that Certificates of the true State of all Things, how they stand for Defence, may, from Time to Time,

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Time, be sent either to the Council of War you appoint for *Ireland*, or to any other whom the Parliament shall think meet; and thereupon to take Order, from Time to Time, to supply all Defects, as well of Captains, as of Munition, Powder, and other Necessaries.

‘ Mr. Speaker, this Point is more timely to be had in Consideration, because our Perils will increase, as foreign States settle and compose their Affairs to their best Advantage: And therefore I shall desire that our Quietness may not rest any longer upon so tickle a Ground, as the Unquietness of our Neighbour Kingdoms; for no State stands firm and secure, but upon its own Foundations.

‘ There is one Thing more, with which I will conclude; and I shall humbly represent it as, in my weak Opinion, a great Cause of our growing Distemper: This is the Abundance of Humours we have stirred, and not purged away, which are but fit Fuel for fresh Fire to take hold of, if it should burst forth; therefore as there be great Numbers in this State, *Qui Panâ, a Calamitate publicâ, Impunitatem sibi spendunt*, I shall make it my humble Motion and Desire, That we make severe Examples of some few of the most capital Offenders; and either pardon the meaner Delinquents, if Justice will admit thereof, or at least to let them, in some reasonable Time, know what they may trust to; otherwise as many, as look desperately upon their own Fortunes, will be too ready to give their Vote for Troubles, and seek their own Peace in the Public Disturbance; the Number of whom, as I conceive, should be warily prevented, especially in these Times of increasing Distraction.

‘ Sir, I have troubled you too long; and am not so inconsiderate but to object to myself, that some Things are of more instant and present Consideration than any Thing I have touched upon; as your sending Provisions for *Ireland*: But I desire, as those Affairs are in some Measure settled in a Way, we may timely apply ourselves to the Root and Causes
of

of our Distempers; begin with those of most Importance; and so proceed with them to effect.' An. 27. Car. I. 1641.

November 11. This Day a Letter was read in the House of Lords, from the Council of Ireland, dated November 5, shewing, That the Protestants there would be utterly destroyed, and that Kingdom cut off from the Crown of England, if present Supply of Men, Ammunition, and Money were not sent from hence: That the Rebels proceeded in their Rebellion, and had seized on the Houses, Estates, and Persons of divers Men and Women of good Quality, and had murdered many: That they were gathered, in several Parts of Ireland, to the Number of 30,000, and threaten'd that they will not leave an English Protestant there; and that they will not lay down their Arms untill an Act of Parliament be passed for Freedom of their Religion: That the Council desire a speedy Supply of 10,000 Men with Arms, and 100,000*l.* in Money.

November.

November 12. Many Resolutions and Votes passed, in both Houses, on this last Intelligence; the Number of Forces to be sent were augmented to 10,000 Foot and 2000 Horse; likewise the Parliament of Scotland were to be desired to have in Readiness 10,000 Men more, to be transported to Ireland, on Occasion. The Letter from thence was ordered to be communicated to the City of London, and to be forthwith printed and published. The House of Commons voted, That 200,000*l.* should be raised for the Suppressing this Rebellion, for the Security of this Kingdom, and for the Payment of Debts.

The Parliament resolve to augment the Forces, and raise Money for suppressing it.

The same Day the Commons received a Message from the Lords, importing, That this being the Day for the thirteen Bishops to give in Answers to their Impeachment, twelve of them had given in a Plea and a Demurrer; but that Godfrey, Bishop of Gloucester, had pleaded Not Guilty, in Mado & Formâ.

The impeached Bishops put in their Plea.

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The Londoners
agree to lend
Money on cer-
tain Conditions.

November 13. A Report was made to the House of Commons, 'That the Committee, appointed to go to the City, found a great deal of Readiness in them to lend Money, on the Security offered: But, before they did lend any, they humbly proposed, 1st, That the Money should be paid as soon as the Act was passed. 2^{dly}, That, by reason of the Privileges of the Members of both Houses, and the Protections granted, especially by the Lords, a vast Sum of Money is detained from them; so that Trade cannot be driven, nor are they so able to lend Money for the Service of the Commonwealth, as they desired. 3^{dly}, They said they were sensible of the Miseries of the Protestants in *Ireland*, and of the Power of the Papists there; and therefore did press, with much Earnestness, that the Persons of the Papist Lords, and other Persons of Quality here in *England*, might be secured; lest some Design be in them here, as they have Cause to fear. Next, That there were divers Laws and good Motions sent up to the Lords, for the Good of the Church and Commonwealth; and that the great Impediment that they passed not there, was from the Bishops; and they did conceive, That so long as their Votes were in Parliament it would be a Hindrance to all good Laws; and therefore desired further Endeavours to take away their Votes.'

Mr. Serjeant *Wylde* reported from the Committee appointed to examine into the Plea and Demurrer of the twelve Bishops, 'That after a long Debate and various Opinions, they had at last concluded that they were dilatory and insufficient; and that the twelve Bishops had made no Answer: Therefore to desire the Lords that the Bishops be order'd to put in a peremptory Answer, such as they will stand to.'

Informations of
Plots.

November 15. The Parliament was this Day put in great Consternation, by the Information of one *Beal*, a Taylor, of a dangerous Plot of the Papists, against the Lives of several Members of both Houses. The Deposition of this Man is at Length in the
Lords

Lords Journals; and was so far believed, that all necessary Precaution was taken to make a farther Discovery and prevent the Danger: But no Persons being found, that were named to be concerned in it, we hear no more of this Matter.

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November 16. Other Informations were sent up to the Parliament from *Cheeshire* and *Lancashire*, of the Designs of the Papists in those Counties. Upon all which an Ordinance of Parliament, for putting the Train'd Bands of the Kingdom in a Posture of Defence, was read and agreed to by both Houses. An Ordinance was also made to authorize the Earl of *Essex* to be Lord-Lieutenant on the South-Side *Trent*, and the Earl of *Holland* on the North; and the House of Commons, particularly, ordered a Guard of Halberts to be set in convenient Places, for the Security of their House.

The Commons
appoint a Guard
to attend their
House.

November 17. Several Witnesses were examined before the House of Commons, after which it was resolved, 'That there is sufficient Evidence for this House to believe, that there was a second Design to bring up the Army against the Parliament, and an Intention to make the *Scots* Army stand neuter.'

The Commons had been long employed in framing a Declaration, or Remonstrance, of the State of the Kingdom; and many Additions, Alterations, and Amendments are entered in their *Journals* about it. The most material Business, from the 18th to the 21st of this Month, was upon that Topic; when, being agreed to so far as to have it ingrossed, the same was read in the House; and the further Debate of it ordered to be on the 22d Instant.

During all this Time there was nothing, to our Purpose, done in the House of Lords, but a Report of a Message sent to the Queen about the Commons refusing to release Father *Philips*, because they had some Matters against him: And that her Majesty desired, if any such Business was against him, it might be brought to a Hearing speedily;

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 1641. fessor; and was unwilling to use any one else but
 November. him. Yet this being signified again to the Com-
 mons, they still refused to release him.

Proceedings as to the Queen's Con- fessor, Recusants, &c.
 November 22. The Lords took into Considera-
 tion a List of Recusants Names, in several Coun-
 ties of *England*, which the Commons had sent up;
 and a Debate arising, Whether the Kingdom was
 in such Danger, at this Time, as to require the se-
 curing the Persons of Popish Recusants? it was
 agreed that it was, and that this should be done in a
 legislative Way. On which a Bill was ordered to
 be drawn up for that Purpose.

Great Debates in the Commons, concerning a Re- monstrance of the State of the Kingdom.
 This Day also the House of Commons, accord-
 ing to Order, fell briskly on their Declaration. A
 long Debate ensued on the keeping in, or leaving
 out, several Clauses, Expressions, and Words in it;
 in which there were no less than four Divisions of
 the House. In the two last of them, the Question
 being put, Whether this Declaration, so amended,
 shall pass? it was carried for passing, by 159 against
 148. And, in another Question, Whether the Word
published^m should stand in the Order for the not
 printing the Declaration, the Noes were 124,
 Yeas 101. But it was resolved upon the Question,
 That this Declaration shall not be printed with-
 out the particular Order of this Houseⁿ.

We find a Speech of Sir *Edward Daring's* upon
 this Occasion; who, tho' he had signalized himself
 against the Court, in the Beginning of this Session,
 yet was equally zealous against this Declaration.

This Speech, being very long, and printed in
Rushworth, Nalson, and Sir *Edward's* own *Collec-*
tions

^m Meaning, probably, in *Manuscript Copies or Discourse*. But
 the Entry here seems to be very lamely express'd by the Clerk.

ⁿ According to *Born's Chrestom.* Account, it seems as if the Or-
 der was this Day made for printing this Declaration: But it was not
 done till the 15th of December. — We have before observed that
 the Noble Historian is very inaccurate as to Dates of Proceedings,
 and the Divisions of the House, as appears upon Comparison with
 the *Journals*. It is most probable that, in Parliamentary Matters,
 his Lordship wrote from Memory only.

tions *, we cursorily pass over, to avoid Prolixity: An. 17. Car. 1.
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But the following Passages are too remarkable to be omitted: November.

Mr. Speaker,

THis Remonstrance, whensoever it passeth, Sir Edward De-
will make such an Impression, and leave ring's Speech on
such a Character behind, both of his Majesty, the that Occasion.
People, the Parliament, and of this present Church
and State, as no Time shall ever eat out, whilst
Histories are written, and Men have Eyes to read
them. How curious then ought we to be, both in
the Matter and the Form? Herein is a severe Point
of Conscience to be tried; let us be sure that every
particular Substance be a Truth; and let us cloath
that Truth with a free Language, yet a modest
and a sober Language.

‘ Mr. Speaker, this Remonstrance is, in some
Kind, greater and more extensive than an Act of
Parliament: That reacheth only to *England* and
Wales; but, in this, the three Kingdoms will be
your immediate Supervisors; and the greatest Part
of Christendom will quickly borrow the Glass to
see our Deformities therein: They will scan this
Work at Leisure, which, I hope, we shall not shut
up in Haste.

‘ Some Pieces here are of excellent Use and
Worth: But what is that to me, if I may not have
them without other Parts that are both doubtful
and dangerous?

‘ The Matter, Form, and final End of this Re-
monstrance, all of them do argue with me, not to
remonstrate thus.

‘ When I first heard of a Remonstrance, I pre-
sently imagined that, like faithful Counsellors, we
should hold up a Glass to his Majesty: I did not
dream we should remonstrate downwards, tell Sto-
ries to the People, and talk of the King as of a
third Person. The Use and End of such a Re-
monstrance, I understand not; at least I hope I
do not.

He

• Printed for F. Eglesfield and J. Stafford, 1641.

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He then proceedd to the Religious Grievances recited in the Declaration, vindicates several of the Bishops and Clergy by Name, and concludes thus :

‘ I do beseech you all with the Fervor of an earnest Heart, a Heart almost divided between Hopes and Fears, never to suffer Diversion or Diminution of the Rents we have for Learning and Religion; but, besides the Pulpit, let us maintain an universal Militia of Theology, whereby we may be always ready and able (by Strength of our own, within our own happy Island at home) to stop the Mouth of all Errors and Heresies that can arise.

‘ Never, never, let it be said that sacred Learning (for such is that I plead for) shall in one essential Half thereof, be quite unprovided for in *England*. Sir, I have reason to be earnest in this: I see, I know, great Designs drawing another Way; and my Fears are increased, not cured by this Declaration.

‘ Thus I have done: And because I shall want Champions for true Religion: Because I neither look for Cure of our Complaints from the common People, nor do desire to be cured by them: Because this House (as, under Favour I conceive) hath not recommended all the Heads of this Remonstrance to the Committee which brought it in: Because it is not true that the Bishops have commanded Idolatry: Because I do not know any necessary good End and Use of this Declaration, but do fear a bad one; and because we pass his Majesty and do remonstrate to the People: I do here discharge my Vote with a clear Conscience, and must say *No* to this strange Remonstrance.’

Lord Clarendon's
Account of the
Debate thereon.

Lord Clarendon, who remarkably distinguished himself in this Affair, under the Name, then, of *Mr. Hyde*, has given us the following Abstract of the Debate upon it:

‘ It contained a very bitter Representation of all the illegal Things which had been done from the first Hour of the King's coming to the Crown, to that

that Minute; with all the sharp Reflections which An. 27. Car. I.
1641. could be made upon the King himself, the Queen, and Council; and publish'd all the unreasonable Jealousies of the present Government, of the introducing Popery; and all other Particulars that might disturb the Minds of the People, which were enough discomposed.

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' The House seem'd generally to dislike it, many saying, ' That it was very unnecessary and unseasonable; unnecessary, all those Grievances being already fully redress'd, and the Liberty and Property of the Subject being as well secured for the future as could possibly be done; and unseasonable, after the King had gratified them with granting every Thing which they had desired of him; and, after so long Absence in the settling the Disorders in another Kingdom, which he had happily compos'd, to be now welcomed home with such a Volume of Reproaches for what others had done amiss, and which he himself had reform'd.' Notwithstanding all which, all the other Party appear'd passionately concern'd that it might not be rejected, and enlarged themselves with as high Expressions against the Government as at first; with many Insinuations, ' That we were in Danger of being deprived of all the good Acts which we had gain'd, if great Care and Vigilance were not used to disappoint some Counsels which were still entertain'd;' making some doubtful Glances and Reflections upon the Rebellion in *Ireland*, with which they perceived many good Men were easily amused; and, in the End, prevail'd, ' That a Day should be appointed, when the House should be resolv'd into a Committee of the whole House, and the Remonstrance to be then retaken into Consideration.' And, in the mean time, they employ'd all their Credit and Interest with particular Men, to persuade them, ' That the passing that Remonstrance was most necessary for the Preservation and Maintenance of all those good Laws, which they had already made;' giving several Reasons to several Persons, according to their

Na-

An. 17. Car. I. Natures and Inclinations ; assuring many, ' That
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' they intended it only for the Mortification of the
' Court, and Manifestation that that malignant
' Party, which appear'd to be growing up in the
' House, could not prevail ; and then, That it
' should remain still in the Clerk's Hands, and ne-
' ver be published.

' And, by these and the like Arts, they promi-
sed themselves, that they should easily carry it : So
that the Day it was to be resumed, they entertain'd
the House all the Morning with other Debates, and,
towards Noon, call'd for the Remonstrance ; and
it being urged by some, ' That it was too late to
' enter upon it,' with much Difficulty they con-
sented, ' That it should be entered upon the next
' Morning, at Nine of the Clock, and every Clause
' should be debated, the Speaker in the Chair ;' for
they would not have the House resolved into a
Committee, which they believ'd would spend too
much Time. *Oliver Cromwell*, who at that Time
was little taken Notice of, ask'd the Lord *Falk-*
land, ' Why he would have it put off, for that
' Day would quickly have determin'd it? He an-
swered, ' There would not have been Time enough ;
' for sure it would take some Debate. The other
replied, ' A very sorry one.' They supposing, by the
Computation they had made, that very few would
oppose it. But he quickly found he was mistaken ;
for, the next Morning, the Debate being enter'd up-
on about Nine of the Clock, it continued all that
Day ; and Candles being call'd for when it grew dark
(neither Side being very desirous to adjourn till the
next Day, though it was evident very many with-
drew themselves out of pure Faintness and Dis-
ability to attend the Conclusion) the Debate conti-
nued till it was after Twelve of the Clock, with
much Passion ; and the House being then divided
upon the passing or not passing it, it was carried in
the Affirmative by Nine Voices, and no more :
And, as soon as it was declared, *Mr. Hampden*
moved, ' That there might be an Order entered
' for

2 By the Journals, the Majority was Eleven.

* for the present printing it,' which produced a sharper Debate than the former. It appear'd then, An. 17. Car. 1.
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that they did not intend to send it up to the House of Peers for their Concurrence; but that it was, upon the Matter, an Appeal to the People, and to infuse Jealousies into their Minds.. It had seldom been the Custom to publish any Debates or Determinations of the House, which were not first regularly transmitted to the House of Peers; nor was it thought, in Truth, that the House had Authority to give Warrant for the printing of any thing; all which was offer'd by Mr. Hyde, with some Warmth, as soon as the Motion was made for printing it; and he said, 'He believ'd the printing it, in that Manner, was not lawful, and he feared it would produce mischievous Effects; and therefore desired the Leave of the House, that if the Question should be put, and be carried in the Affirmative, he might have Liberty to enter his Protestation;' which he no sooner said, than *Jeffrey Palmer*, a Man of great Reputation, and much esteemed in the House, stood up and made the same Motion for himself, 'That he might likewise protest.' Many afterwards, without Distinction, and in some Disorder, cried out, together, 'They did protest;' so that there was, after, scarce any quiet and regular Debate: But the House, by Degrees, being quieted, they all consented, about Two of the Clock in the Morning, to adjourn till Two of the Clock the next Afternoon. And as they went out of the House, the Lord *Falkland* ask'd *Oliver Cromwell*, 'Whether there had been a Debate?' to which he answer'd, 'He would take his Word another Time;' and whisper'd him in the Ear, with some Asslevation, 'That, if the Remonstrance had been rejected, he would have sold all he had the next Morning, and never have seen *England* more;' and he knew there were many other honest Men of the same Resolution.

Rushworth says, 'That this Debate lasted from Three in the Afternoon till Three the next Morn-

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ing;

An. 17. Car. I. ing; so that Sir *Benjamin Rudyard* said, 'It looked like the *Verdict* of a starved *Jury*.'

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Act for laying down the Privileges of Parliament.

November 23. The Bill for ordering some Persons into safe Custody, who are Popishly inclined, was read three Times, this Day, in the House of Lords, and sent down to the Commons. The said House also sent up four Bills to the Lords; amongst which there was only this remarkable one, *An Act for laying down the Privileges of Parliament during the present Session*; which the said House recommended for Expedition. A Complement, no doubt to the City of *London*; who had complained, by Petition, against those Privileges. — The Commons, also, voted eight *per Cent.* to be paid for the Money they had borrowed of them; and an Act of Parliament to be speedily passed for the Security of that and the Principal.

A Member committed to the Tower, for protesting against the Commons Declaration.

November 24. Nothing material done, in either House, as this Day; the House of Lords adjourned from hence to the 26th; and the Commons only seemed to meet in order to send Mr. *Palmer*, Member for *Stamford*, to the Tower, for some Words, (not particularized in the *Journals*) reflecting on the Declaration, or Remonstrance, in the Debate on the 22d past. This was the Affair of the Protestation before mentioned; which those on the other Side complained of, as directly contrary to the Order, Custom, and Privilege of the House of Commons; upon which Mr. *Palmer* was sent to the Tower^r; but, on his Petition, some Days after, was released, and took his Place in the House as formerly. Lord *Clarendon* further informs us, 'That tho' he himself was the Person who first offered this Protestation; yet the Northern Members, as Sir *John Hotham*, *Cholmley*, and *Stapylton* resolved

^r On a Division of 169 against 128: But a Motion for his being expelled the House passed in the Negative, 163 against 131. *Commons Journals.*

This Gentleman was Author of the Reports, and appointed Attorney-General after the Restoration.

ved to protect him from the Resentment of the House, on account of the great Share he had in contributing to the Suppression of the Court of Lord President of the North; and so it was agreed, that Mr. Palmer should be the Person they would sacrifice.' An. 17. Car. 1.
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November 25. The King made his public Entry into London, on his Return from Scotland; the Pomp and Ceremony of which is amply set forth by all the Historians of those Times.—Sufficient it is for us to say, His Reception is described as such, that all manner of Persons, in the City; seemed to strive who should do him the most Honour.

November 26. This Day the Commons read, a first and second Time, a Bill For granting a Subsidy to his Majesty, of Tonnage and Poundage, and other Sums of Money, payable upon Merchandize, imported or exported; and committed it for the next Day.

The Lord Keeper acquainted the Lords, That the King intended to have come to that House, at that Day, but was diverted by some important Business; and was, withall, very hoarse in a Cold; but that he would come in a short Time.

His Lordship, also, acquainted the House, That he had received a Command from the King to tell them, 'That his Majesty had heard both Houses had appointed Guards to attend them for their Security, in his Absence, which he presumes they had Reasons for; but now, upon his Return, he hopes his Presence will be a Protection to them: And therefore had ordered the said Guards to be dismissed; but, if there should be any Occasion for it, he would take Care there be sufficient Guards to secure them.'

This Message being communicated to the Commons, the Answer returned, was, 'That House

D 2

desired

* His Speech on this Occasion, at a Conference with the Lords, April 26, 1641, is in our Ninth Volume.

* It appears by the Journals that Mr. Hyde was one of the Tellers in Favour of Mr. Palmer.

An. 27. Car. I. desired the Lords to send some few of their Body to petition the King that the Guards might stay; and, in a Day or two, they would bring up Reasons to satisfy his Majesty about it.

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The next Day the King's Answer to this Petition was delivered to the Lords, importing, 'That he did command the Guards to be dismissed, because he knew no Cause the Parliament had for Fears; but he well perceived the Molestation that the keeping of them would bring upon those Subjects of his, which were to perform that Service; besides the general Apprehension and Jealousies, which thereby might disquiet all his People. He further expressed, that when the Parliament should desire of him any extraordinary Thing like this, and what appeared of ill Consequence, that they would give him such particular Reasons, as might satisfy his Judgment, if they did expect their Desires to be granted: Yet he was so tender of the Parliament's Safety, that, to secure them, not only from real, but even imaginary Dangers, he had commanded the Earl of *Dorset* to appoint some of the Train'd Bands to wait upon the Parliament for a few Days; in which Time, if he should be satisfied that there was just Reason, he would continue them; and likewise take such a Course for the Safety of his own Person as should be fit, of which, he doubted not, but they had as tender a Care as of their own. This Answer was ordered to be communicated to the Commons at a Conference. Nothing done, of much Consequence, in either House till

Nov. 30, when Mr. *Pymme*, from a Committee, presented the Reasons of both Houses of Parliament for the Continuance of a Guard, which were agreed to, as follows: ^P

The Reasons of both Houses for the Continuance thereof.

'The great Number of disorderly, suspicious, and desperate Persons, especially of the *Irish* Nation, lurking in obscure Allies and Victualling-Houses,

^P From the *Commons Journals*: The Copy of them in *Rushworth* differs much.

Houses, in the Suburbs, and other Places near An. 17. Car. I.
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‘ The Jealousy conceived upon Discovery of the Design in *Scotland*, for the surprizing of the Persons of divers Nobility and Members of the Parliament there; which had been spoken of here some Days before it broke out, not without some whispering Intimation, that the like was intended against divers Persons of both Houses; which found the more Credit, by reason of the former Attempts of bringing up the Army, to disturb and enforce this Parliament.

‘ The Conspiracy in *Ireland*, managed with so much Secrecy, that, but for the happy Discovery at *Dublin*, it had been executed in all Parts of the Kingdom, upon one and the same Day, or soon after; and that some of the chief Conspirators did profess, that the like Course was intended in *England* and *Scotland*; which being found, in some Degree, true in *Scotland*, seem’d the more probable to be likewise design’d for *England*.

‘ Divers Advertisements beyond the Sea, which came over about the same Time, ‘ That there should be a great Alteration of Religion in *England* in a few Days; and that the Necks of both ‘ the Parliaments should be broken.’

‘ Divers Examinations, of dangerous Speeches of some of the Popish and discontented Party in this Kingdom.

‘ The secret Meetings and Consultations of the Papists, in several Parts:—Their frequent Devotions for the Prosperity of some great Design in hand.

‘ That these several Considerations moved the Parliament to desire a Guard; which, for the most Part, might be under the Command of the Earl of *Essex*: And they conceived there was just Cause to apprehend that there is some wicked and mischievous Practice, to interrupt the peaceable Proceedings of the Parliament, still in hand: For preventing whereof, it was fit the Guard should be continued under the same Command, or such other as they should choose: But, to have it under Com-

An. 17. Car. I. 1641.
December. mand of any other, not chosen by themselves, they could by no means consent to; and would rather run any Hazard, than admit of a Precedent so dangerous, both to this and future Parliaments.

‘ And they humbly leave it to his Majesty, to consider, whether it be not fit to suffer his High Court of Parliament to enjoy that Privilege of providing for their own Safety, which was never denied to other inferior Courts: And that he would be pleased graciously to believe, that they cannot think themselves safe under any Guard, of which they shall not be assured, that it will be as faithful in defending his Majesty’s Safety, as their own; whereof they shall always be more careful, than of their own.

A Bill for the farther Continuance of Tonnage and Poundage.

Mr. Solicitor, *St. John*, was sent up to the Lords with the Bill for granting a Subsidy to his Majesty of Tonnage and Poundage, &c. and said, That the House of Commons desired their Lordships would pass the Bill, sent back from them with some Amendments, for securing the Persons of Recusants, with all convenient Speed. The Lords read the former Bill three Times this Day, and passed it; they also concurr’d in the Amendments to the other, which was return’d to the Commons; and then agreed to a Message to be sent to the King at *Hampton-Court*, to acquaint his Majesty, that the last Bill for Tonnage and Poundage expiring To-morrow, a new one had passed both Houses; and to know when he would come and give his Royal Assent to that Bill.

A Committee appointed to wait upon the King, with the Commons Petition, and their Declaration of the State of the Kingdom.

December 1. The Committee of the Commons, appointed to present their Petition and Declaration to the King, were,

Sir *Symonds Dewes*,
Sir *Arthur Ingram*,
Sir *James Thynne*,
Mr. *Henry Bellafys*,

Lord *Grey*,
Sir *Christopher Wray*,
Ferdinando, Lord *Fairfax*,
Sir *Ralph Hopton*,

Sir

Sir Richard Wynne,
Sir John Corbet,

Sir Edward Dering,
Sir Arthur Hesserigge,

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Amongst these Sir Edward Dering, who had so warmly opposed the passing this Remonstrance, was appointed, by the House, to read and present it to his Majesty; who being out of the Way², Sir Ralph Hopton was ordered to do it; who, the next Day, made his Report to the House in what Manner they were received. *

* He said, That the last Night, in the Evening, the Committee appointed to attend his Majesty in that Particular, came to *Hampton-Court*; and Sir Richard Wynne (I may name him upon this Occasion) gave his Majesty Notice of our being there; and, within a Quarter of an Hour, the King sent a Gentleman to call us in; with Directions that none should come in but the Committee alone; who did all of them present themselves upon their Knees: And myself, in Obedience to the Order of the House, in the Absence of another designed for that Service, did begin to read the Petition, kneeling: But his Majesty would not permit us to kneel, but commanded us all to rise; and so I read it. The first Observation his Majesty made was at that Part of the Petition, that charged a malignant Party with a Design to change Religion: To which his Majesty said, with a great deal of Fervency, *The Devil take him, whomsoever he be, that had a Design to change Religion.* I then proceeded; and when I came to that Part of the Petition, for reserving the Disposal of the Lands of the Rebels in *Ireland*, &c. his Majesty was pleased to say, *We must not dispose of the Bear's Skin till he be dead.* After the Petition was read, his Majesty desired to ask us some Questions. We answered, We had no Commission to speak any Thing concerning this Business. Then, said he, *you may speak as particular Men;* and

Account of their
Reception by his
Majesty.

² Mr. *Rusworth* says on purpose. He has also put in Mr. *Pym*, and so made the Committee thirteen; but that Gentleman is not mentioned as one in the *Journals*.

* From the *Commons Journals*. In *Rusworth's* Copy there are several Variations *passim*.

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and added, *Doth the House intend to publish this Declaration?* We answered, We could give no Answer unto it. Well then, said he, *I suppose you do not now expect an Answer to so long a Petition: And this let me tell you, I have left Scotland well, and in Peace; they are all satisfied with me, and I with them; and though I stayed longer there than I expected, yet, I think, if I had not gone, you had not been rid so soon of the Army. I shall give you an Answer to this Business, with as much Speed as the Weightiness of the Business will permit.* And so gave us all his Hand to kiss: And afterwards sent Mr. Comptroller to us with this Message, to be delivered to the House, 'That there might be no publishing of the Declaration till this House had received his Majesty's Answer.'—We were all entertain'd by Mr. Comptroller with great Respect, and lodged by the King's Harbinger.'

Since, from this Petition and Remonstrance, with the King's Answer to them at their Delivery; and from the Declaration he publish'd afterwards to the same Purpose, the Reader will be better enabled to make a Judgment of the Cause of the Civil War that ensued, and the Arguments on both Sides, we have printed them at large. The Length of them may be more easily pardon'd, since they may be justly stiled the very Hinge upon which all those Differences happen'd to turn, that, afterwards, came to be decided by the Sword.

And first the PETITION, as follows. *:

The Petition.

Most Gracious Sovereign,

YOUR Majesty's most humble and faithful Subjects, the Commons in this present Parliament assembled, do, with much Thankfulness and Joy, acknowledge the great Mercy and Favour of God, in giving your Majesty a safe and peaceable Return out of

* From the original Edition, printed by Joseph Hunslett, by Order of the House of Commons, and sign'd by H. Elsing, Cler. Parl. D. Com. This is much more correct than the Copy of it in Risbworth's, Nalson's, and Husband's Collections.

of Scotland into your Kingdom of England; where 17. Car. 1.
the pressing Dangers and Distempers of the State have
caused us, with much Earnestness, to desire the Com-
fort of your gracious Presence, and likewise the Unity
and Justice of your Royal Authority, to give more
Life and Power to the dutiful and loyal Counsels and
Endeavours of your Parliament, for Prevention of
that imminent Ruin and Destruction wherewith your
Kingdoms of England and Scotland are threatened.
The Duty which we owe to your Majesty and our Coun-
try, cannot but make us very sensible and apprehensive,
that the Multiplicity, Sharpness, and Malignity of those
Evils, under which we have now many Years suffered,
are fomented and cherished by a corrupt and ill-affect-
ed Party; who, amongst other their mischievous De-
vices for the Alteration of Religion and Government,
have sought, by many false Scandals and Imputa-
tions, cunningly insinuated and dispersed amongst the
People, to blemish and disgrace our Proceedings in this
Parliament, and to get themselves a Party and Fac-
tion amongst your Subjects; for the better strengthen-
ing of themselves in their wicked Courses, and hin-
dering those Provisions and Remedies which might,
by the Wisdom of your Majesty, and Counsel of your
Parliament, be opposed against them.

For preventing whereof, and the better Informa-
tion of your Majesty, your Peers, and all other your
loyal Subjects, we have been necessitated to make a De-
claration of the State of the Kingdom, both before and
since the Assembly of this Parliament, unto this Time;
which we do humbly present to your Majesty, without
the least Intention to lay any Blemish upon your
Royal Person, but only to represent how your Royal
Authority and Trust have been abused, to the great
Prejudice and Danger of your Majesty, and of all
your good Subjects.

And because we have Reason to believe that those
malignant Parties, whose Proceedings evidently appear
to be mainly for the Advantage and Increase of Popery,
is composed, set up, and acted by the subtle Practice
of the Jesuits, and other Engineers and Factors for
Rome; who, to the great Danger of this Kingdom,
and

Ap. 17. Car. 1.
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1. and most grievous Affliction of your loyal Subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime Places of the Church; and also to bring divers of these Instruments to be of your Privy Council, and other Employments of Trust and Nearness about your Majesty, the Prince, and the rest of your Royal Children: And, by this Means, have had such an Operation in your Council and the most important Affairs and Proceedings of your Government, that a most dangerous Division and chargeable Preparation for War betwixt your Kingdoms of England and Scotland, the Increase of jealousies betwixt your Majesty and your most obedient Subjects, the violent Distraction and Interruption of this Parliament, the Insurrection of the Papists in your Kingdom of Ireland, and bloody Massacre of your People there, have been not only endeavoured and attempted, but, in a great Measure, compassed and effected:

For preventing the final Accomplishment whereof, your poor Subjects are inforced to engage their Persons and Estates to the maintaining of a very expenceful and dangerous War, notwithstanding they have already, since the Beginning of this Parliament, undergone the Charge of 150,000l. Sterling, or thereabouts, for the necessary Support and Supply of your Majesty in these pressing and perilous Designs.

And because all our most faithful Endeavours and Engagements will be ineffectual for the Peace, Safety and Preservation of your Majesty and your People, if some present, real, and effectual Course be not taken for suppressing this wicked and malignant Party, we your most humble and obedient Subjects do, with all Faithfulness and Humility, beseech your Majesty,

I. That you will be graciously pleased to concur with the humble Desires of your People in a Parliamentary Way, for the preserving the Peace and Safety of the Kingdom from the malicious Designs of the Popish Party: For depriving the Bishops of their Votes in Parliament, and abridging their immoderate Power usurped over the Clergy, and other your good Subjects; which they have most perniciously abused, to
the

the Hazard of Religion, and great Prejudice and Oppression of the Laws of the Kingdom, and just Liberty of your People: For the taking away such Oppressions in Religion, Church-Government, and Discipline, as have been brought in and fomented by them: For uniting all such your loyal Subjects together, as join in the same fundamental Truths against the Papists, by removing some Oppressions and unnecessary Ceremonies, by which divers weak Consciences have been scrupled, and seem to be divided from the rest: For the due Execution of those good Laws which have been made for securing the Liberty of your Subjects.

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II. That your Majesty will, likewise, be pleased to remove from your Council all such as persist to favour and promote any of those Pressures and Corruptions, wherewith your People have been grieved; and that, for the future, your Majesty will vouchsafe to employ such Persons in your great and public Affairs, and to take such to be near you in Places of Trust, as your Parliament may have Cause to confide in: That, in your princely Goodness to your People, you will reject and refuse all Mediation and Solicitation to the contrary, how powerful and near soever.

III. That you would be pleased to forbear to alienate any of the forfeited and escheated Lands in Ireland, which shall accrue to your Crown by reason of this Rebellion; that, out of them, the Crown may be the better supported, and some Satisfaction made to your Subjects of this Kingdom, for the great Expences they are like to undergo by this War.

Which humble Desires of ours being graciously fulfilled by your Majesty, we will, by the Blessing and Favour of God, most chearfully undergo the Hazard and Expences of this War; apply ourselves to such other Courses and Counsels as may support your Royal Estate with Honour and Plenty at home, with Power and Reputation abroad; and, by our loyal Affections, Obedience, and Service, lay a sure and lasting Foundation of the Greatness and Prosperity of your Majesty and your Royal Posterity in future Times.

The

An. 17. Car 1. *The REMONSTRANCE of the State of the Kingdom
presented with the foregoing PETITION.*

December.

The Declaration
or Remonstrance.

THE Commons in this present Parliament assembled, having, with much Earnestness and Faithfulness of Affection, and Zeal to the Public Good of this Kingdom and his Majesty's Honour and Service, for the Space of twelve Months, wrestled with the great Dangers and Fears, the pressing Miseries and Calamities, the various Distempers and Disorders, which had not only assaulted, but even overwhelm'd and extinguish'd the Liberty, Peace, and Prosperity of this Kingdom, the Comfort and Hopes of all his Majesty's good Subjects, and exceedingly weakened and undermined the Foundation and Strength of his own Royal Throne, do yet find an abounding Malignity and Opposition in those Parties and Factions, who have been the Cause of those Evils, and do still labour to cast Aspersions upon that which hath been done; to raise many Difficulties for the Hindrance of that which remains yet undone; and also to foment Jealousies betwixt the King and the Parliament; that so they may deprive him and his People of the Fruit of his own gracious Intentions, and of their humble Desires, of procuring the Public Peace, Safety, and Happiness of this Realm: For the preventing of those miserable Effects, which such malicious Endeavours may produce, we have thought good to declare,

1st, 'The Root and the Growth of those mischievous Designs,

2^{dly}, 'The Maturity and Ripeness, to which they had attained before the Beginning of the Parliament.

3^{dly}, 'The effectual Means which have been used for the Extirpation of those dangerous Evils, and the Progress which hath therein been made by his Majesty's Goodness and the Wisdom of the Parliament.

4^{thly},

4thly, 'The Ways of Obstruction and Opposition, by which that Progress hath been interrupted.

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5thly, 'The Courses to be taken for the removing those Obstacles, and for the accomplishing of our most dutiful and faithful Intentions and Endeavours of restoring and establishing the antient Honour, Greatness, and Security of this Crown and Nation.

'The Root of all this Mischief we find to be a malignant and pernicious Design of subverting the Fundamental Laws and Principles of Government; upon which the Religion and Justice of this Kingdom are firmly established.

'The Actors and Promoters hereof have been,

1st, 'The Jesuited Papists, who hate the Laws, as the Obstacles of that Change and Subversion of Religion, which they so much long for.

2dly, 'The Bishops, and the corrupt Part of the Clergy, who cherish Formality and Superstition, as the natural Effects, and more probable Supports, of their own Ecclesiastical Tyranny and Usurpation.

3dly, 'Such Counsellors, and Courtiers as, for private Ends, have engaged themselves to further the Interests of some foreign Princes or States, to the Prejudice of his Majesty and the State at home.

'The common Principles by which they moulded and governed all their particular Counsels and Actions, were these:

1st, 'To maintain continual Differences and Discontents betwixt the King and the People, upon Questions of Prerogative and Liberty, that so they might have the Advantage of siding with him; and, under the Notions of Men addicted to his Service, gain to themselves, and their Parties, the Places of greatest Trust and Power in the Kingdom.

2dly, 'To suppress the Purity and Power of Religion, and such as were best affected to it, as being contrary to their own Ends, and the greatest Im-

An. 17. Car. I. ' Impediment to that Change which they thought
1641: ' to introduce.

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3dly, ' To conjoin those Parties of the Kingdom who were most propitious to their own Ends, and to divide those who were most opposite: ' This consisted in many particular Observations, ' viz. to cherish the Arminian Party in those Points ' wherein they agree with the Papists; to multiply ' and enlarge the Differences betwixt the common ' Protestants and those whom they call Puritans; ' to introduce and countenance such Opinions and ' Ceremonies as are fittest for an Accommodation ' with Popery; to increase and maintain Ignorance, Looseness, and Profaneness in the People; ' that of those three Parties, Papists, Arminians, ' and Libertines, they might compose a Body fit ' to act such Counsels and Resolutions, as were ' most conducive to their own Ends.

4thly, ' To disaffect the King to Parliaments by ' Slanders and false Imputations; and, by putting ' him upon other Ways of Supply (which, in ' Shew and Appearance, were fuller of Advantage ' than the ordinary Course of Subsidies, though, in ' Truth, they brought more Loss than Gain both ' to the King and People) have caused the great ' Distractions under which both suffer.

' As in all compounded Bodies, the Operations ' are qualified according to the predominant Element; so, in this mix'd Party, the Jesuited Counsels being most active and prevailing, may easily ' be discovered to have had the greatest Sway in all ' their Determinations; and, if they be not prevented, are likely to devour the rest, or to turn ' them into their own Nature.

' In the Beginning of his Majesty's Reign, the ' Party begun to revive and flourish again, having ' been somewhat damp'd by the Breach with *Spain* ' in the last Year of King *James*; and by his Majesty's Marriage with *France*; (the Interests and ' Councils of that State being not so contrary to the ' Good of Religion and the Prosperity of this Kingdom, as those of *Spain*; and the Papists of *England*

land having been ever more addicted to *Spain* than *France*) yet they still retained a Purpose and Resolution to weaken the Protestant Parties in all Parts, and even in *France*; thereby to make Way for the Change of Religion which they intended at home.

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The first Effect and Evidence of their Recovery and Strength was, the Dissolution of the Parliament at *Oxford*, after there had been given two Subsidies to his Majesty; and before they received Relief in any one Grievance, many other more miserable Effects followed^m:

The Loss of the *Rochel* Fleet, by the Help of our Shipping set forth and delivered over to the *French*, in Opposition to the Advice of Parliament; which left that Town without Defence by Sea, and made Way not only to the Loss of that important Place, but likewise to the Loss of all the Strength and Security of the Protestant Religion in *France*.

The Diverting of his Majesty's Course of Wars from the *West-Indies*, which was the most facile and hopeful Way for this Kingdom to prevail against the *Spaniards*, to an expenceful and successful Attempt upon *Cadiz*; which was so ordered, as if it had rather been intended to make us weary of War, than to prosper in it.

The precipitate Breach with *France*, and taking their Ships to a great Value; whereupon the *English* Subjects Goods were embargoed and confiscated in that Kingdom, without having any Recompence made them.

The Peace with *Spain* without Consent of Parliament, contrary to the Promise of King *James* to both Houses; whereby the *Palatine's* Cause was deserted, and left to chargeable and hopeless

^m The several Grievances, and other Facts, here recited in this Remonstrance, and the Concessions on the Part of the King, appealed to in his Majesty's Answer and Declaration, may be found in our Sixth, Seventh, Eighth, and Ninth Volumes *passim*. To refer to each Particular would, in a Manner, be a Reference to every Page of those Volumes.

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 'hopeless Treaties; which, for the most Part,
 'were managed by those who might justly be su-
 'spect to be no Friends to that Cause.

'The charging of the Kingdom with billeted
 'Soldiers in all Parts of it, and that concomitant
 'Design of German Horse; that the Land might
 'either submit with Fear, or be enforced with
 'Rigour, to such arbitrary Contributions as should
 'be required of them.

'The Dissolving of the Parliament, in the se-
 'cond Year of his Majesty's Reign, after a De-
 'claration of their Intent to grant five Subsidies.

'The Exacting of the like Proportion of five
 'Subsidies, after the Parliament was dissolved, by
 'Commission of Loen; and divers Gentlemen
 'and others imprisoned for not yielding to pay that
 'Loan; whereby many of them contracted such
 'Sickness as cost them their Lives. Great Sums
 'of Money required and raised by Privy-Seals.
 'An unjust and pernicious Attempt to extort great
 'Payments from the Subjects, by way of Excise;
 'and a Commission issued, under Seal, for that
 'Purpose.

'The Petition-of-Right which was granted in
 'full Parliament, blasted with an illegal Declara-
 'tion, to make it destructive to itself, to the Power
 'of Parliament, to the Liberty of the Subject, and
 'to that Purpose printed with it; and the Petition
 'made of no Use but to shew the bold and pre-
 'sumptuous Injustice of such Ministers as durst
 'break the Laws, and suppress the Liberties of the
 'Kingdom, after they had been so solemnly and
 'evidently declared.

'Another Parliament dissolv'd 4. Caroli; the
 'Privileges of Parliament broken, by imprisoning
 'divers Members of the House, detaining them
 'close Prisoners for many Months together, with-
 'out the Liberty of using Books, Pen, Ink, or
 'Paper; denying them all the Comforts of Life,
 'all Means of Preservation of Health, not permit-
 'ting their Wives to come unto them, even in
 'Time of their Sickness: And, for the compleating
 'of

of that Cruelty, after Years spent in such miserable Durance, depriving them of the necessary Means of Spiritual Consolation, not suffering them to go abroad to enjoy God's Ordinances, in God's House, or God's Ministers to come to them, to administer Comfort unto them in their private Chambers; and, to keep them still in this oppressed Condition, not admitting them to be bailed according to Law, yet vexing them with Informations in inferior Courts; sentencing and fining some of them for Matters done in Parliament, and extorting the Payments of those Fines from them; enforcing others to put in Security for good Behaviour, before they could be released. The Imprisonment of the rest, who refused to be bound, still continued, (which might have been perpetual, if Necessity had not, the last Year, brought another Parliament to relieve them) of whom one died by the Cruelty and Harshness of his Imprisonment; which would admit of no Relaxation, notwithstanding the imminent Danger of his Life did sufficiently appear by the Declaration of his Physician: And his Release, or at least his Refreshment, was sought by many humble Petitions. And his Blood still cries for Vengeance, or Repentance of those Ministers of State, who, at once, obstructed the Course both of his Majesty's Justice and Mercy.

Upon the Dissolution of both these Parliaments, untrue and scandalous Declarations were published, to asperse their Proceedings, and some of their Members; unjustly to make them odious, and colour the Violence which was used against them, Proclamations were set out, to the great Dejecting of the Hearts of the People, forbidding them even to speak of Parliaments.

After the Breach of Parliament, in the fourth Year of his Majesty, Injustice, Oppression, and Violence broke in upon us, without any Restraint or Moderation; and yet the first Project, was the great

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‘ Sums exacted thro’ the whole Kingdom, for Default of Knighthood, which seemed to have some Colour and Shadow of Law; yet, if it be rightly examined by that obsolete Law which was pretended for it, it will be found to be against all the Rules of Justice, both in respect of the Persons charged, the Proportion of the Fines demanded, and the absurd and unreasonable Manner of their Proceedings.

‘ Tonnage and Poundage hath been received without Colour or Pretence of Law; many other heavy Impositions continued against Law; and some so unreasonable, that the Sum of the Charge exceeds the Value of the Goods. The Book of Rates lately enhanced to a high Proportion; and such Merchants, as would not submit to their illegal and unreasonable Payments, were vexed and oppressed above Measure; and the ordinary Course of Justice, the common Birth-right of the Subjects of *England*, wholly obstructed unto them. And although all this was taken upon Pretence of guarding the Sea, yet a new and unheard-of Tax of Ship-Money was devised, upon the same Pretence. By both which there was charged upon the Subject near 700,000*l.* some Years; and yet the Merchants have been left so naked to the Violence of the *Turkish* Pirates, that many great Ships of Value, and thousands of his Majesty’s Subjects, have been taken by them, and do still remain in miserable Slavery.

‘ The Enlargement of Forests, contrary to *Charta de Foresta*, and the Composition thereupon: The Exactions of Coat and Conduct-Money, and divers other Military Charges: The taking away the Arms of the Train’d Bands of divers Counties: The desperate Design of ingrossing all the Gun-Powder into one Hand, keeping it in the *Tower of London*, and setting so high a Rate upon it, that the poorer Sort were not able to buy it, nor could any have it without License; thereby to leave the several Parts of the Kingdom

‘ destitute

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destitute of their necessary Defence; and, by selling so dear that which was sold, to make an unlawful Advantage of it, to the great Charge and Detriment of the Subject: The general Destruction of the King's Timber, especially that in the Forest of *Dean*; sold to Papists; which was the best Store-house of this Kingdom for the Maintenance of our Shipping: The taking away of Men's Right, under Colour of the King's Tide to Land between High and Low Water-Marks: The Monopolies of Soap, Salt, Wine, Leather, Sea-Coat, and, in a Manner, of all Things of most common and necessary Use: The Restraint of the Liberties of the Subjects in their Habitations, Trades, and other Interests: Their Vexation and Oppression by Purveyors, Clerks of the Market, and Salt-petre Men: The Sale of pretended Nuisances, as Buildings in and about *London*: Conversion of Arable into Pasture, and Continuance of Pasture, hath, under the Name of Depopulation, drawn many Millions out of the Subjects Purses, without any considerable Profit to his Majesty. Large Quantities of Common, and several Grounds, have been taken from the Subject, by Colour of the Statute of Improvement, and by Abuse of the Commission of Sewers, without their Consent, and against it.

Not only private Interest, but also public Faith hath been broken, in seizing of the Money and Bullion in the Mint; and the whole Kingdom like to be robbed at once, in that abominable Project of Brass Money. Great Numbers of his Majesty's Subjects, for refusing those unlawful Charges, have been vex'd with long and expensive Suits; some fined and censured; others committed to long and hard Imprisonments and Confinements, to the Loss of Health in many, of Life in some; and others have had their Houses broken open, and their Goods seized; some have been restrained from their lawful Callings; Ships have been interrupted in their Voyages, surprized at Sea, in a hostile Manner, by Projectors, as by a

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‘ common Enemy ; Merchants prohibited to un-
 ‘ lade their Goods in such Ports as were for their
 ‘ own Advantage, and forced to bring them to
 ‘ those Places which were most for the Advantage
 ‘ of the Monopolizers and Projectors.

‘ The Court of Star-Chamber hath abounded in
 ‘ extravagant Censures, not only for the Mainte-
 ‘ nance and Improvement of Monopolies, and other
 ‘ unlawful Taxes, but for divers other Causes, where
 ‘ there hath been no Offence, or very small ; where-
 ‘ by his Majesty’s Subjects have been oppress’d by
 ‘ grievous Fines, Imprisonments, Stigmatizings,
 ‘ Mutilations, Whippings, Pillories, Gags, Con-
 ‘ finements, and Banishments, after so rigid a Man-
 ‘ ner, as hath not only deprived Men of the Society
 ‘ of their Friends, Exercise of their Professions,
 ‘ Comfort of Books, Use of Paper and Ink, but
 ‘ even violated that near Union which God hath
 ‘ established betwixt Men and their Wives, by for-
 ‘ ced and constrained Separation ; whereby they
 ‘ have been bereaved of the Comfort and Conver-
 ‘ sation one of another, for many Years together,
 ‘ without hope of Relief ; if God had not, by his
 ‘ over-ruling Providence, given some Interruption
 ‘ to the prevailing Power and Counsel of those,
 ‘ who were the Authors and Promoters of such
 ‘ peremptory and heady Courses.

‘ Judges have been put out of their Places, for
 ‘ refusing to act against their Oaths and Consciences ;
 ‘ others have been so awed that they durst not do
 ‘ their Duties ; and, the better to hold a Rod over
 ‘ them, the Clause, *Quamdiu se bene gesserit*, was
 ‘ left out of their Patents, and a new Clause, *Du-
 ‘ rante Beneplacito*, inserted. Lawyers have been
 ‘ check’d for being faithful to their Clients : Solli-
 ‘ citors and Attornies have been threatened, and
 ‘ some punished, for following lawful Suits : And,
 ‘ by this Means, all the Approaches to Justice
 ‘ were interrupted and forecluded.

‘ New Oaths have been forced upon the Subject
 ‘ against Law ; new Judicatories erected without
 ‘ Law. The Council-Table have, by their Orders,

‘ offered

offered to bind the Subjects in their Freeholds, An. 17. Car. I.
Estates, Suits, and Actions. 1641.

The pretended Court of the Earl Marshal was arbitrary, and illegal, in its Being and Proceedings. The Chancery, Exchequer-Chamber, Court of Wards, and other *English* Courts, have been grievous, in exceeding their Jurisdiction. The Estate of many Families weakened, and some ruined, by excessive Fines exacted from them for Compositions of Wardships. All Leases of above an hundred Years made to draw on Wardship, contrary to Law. Undue Proceedings used in finding of Offices, to make the Jury find for the King. The Common-Law Courts, seeing all Men more inclined to seek Justice where it may be fitted to their own Desire, are known frequently to forsake the Rules of the Common-Law, and, straining beyond their Bounds, under Pretence of Equity, to do Injustice. Titles of Honour, judicial Places, Serjeantships at Law, and other Offices have been sold for great Sums of Money; whereby the common Justice of the Kingdom hath been much endangered, not only by opening a Way of Employment, in Places of great Trust and Advantage, to Men of weak Parts, but also by giving Occasion to Bribery, Extortion, and Partiality, it seldom happening that Places ill gotten are well used; Commissions have been granted for examining the Excess of Fees; and, when great Exactions have been discovered, Compositions have been made with Delinquents, not only for the Time past, but likewise for Immunity and Security in offending for the Time to come; which, under Colour of Remedy, hath but confirmed and increased the Grievance to the Subject. The usual Course of pricking Sheriffs not observed; but many Times Sheriffs made in an extraordinary Way; sometimes as a Punishment and Charge unto them; sometimes such were pricked out, as would be Instruments to execute whatsoever they would have to be done.

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‘ The Bishops and the rest of the Clergy did triumph in the Suspensions, Excommunications, Deprivations and Degradations, of divers painful, learned, and pious Ministers, and in the Vexation and grievous Oppression of great Numbers of his Majesty’s good Subjects. The High Commission grew to such Excess of Sharpness and Severity, as was not much less than the Romish Inquisition; and yet, in many Cases, by the Archbishop’s Power¹, was made much more heavy, being assisted and strengthened by Authority of the Council-Table.

‘ The Bishops, and their Courts, were as eager in the Country; and although their Jurisdiction could not reach so high in Rigour and Extremity of Punishment, yet were they no less grievous, in respect of the Generality and Multiplicity of Vexations; which lighting upon the meaner Sort of Tradesmen and Artificers, did impoverish many Thousands, and so afflict and trouble others, that great Numbers, to avoid their Miseries, departed out of the Kingdom; some into *New-England*; and other Parts of *America*; others into *Holland*; where they have transported their Manufactures of Cloth; which is not only a Loss, by diminishing the present Stock of the Kingdom, but a great Mischief, by impairing and endangering the Loss of that peculiar Trade of Cloathing, which hath been a plentiful Fountain of Wealth and Honour to this Nation. Those were fittest for Ecclesiastical Preferment; and soonest obtained it; who were most officious in promoting Superstition; most virulent in railing against Godliness and Holiness.

‘ The most public and solemn Sermons before his Majesty, were either to advance Prerogative above Law, and decry the Property of the Subject; or full of such kind of Invectives, whereby they might make those odious, who sought to maintain the Religion, Laws, and Liberties of the King.

¹ Dr. Laud, Archbishop of Canterbury.

Kingdom ; and such Men were sure to be weeded out of the Commission of the Peace, and out of all other Employments of Power in the Government of the Country. Many Noble Personages were Counsellors in Name ; but the Power and Authority remained in a few of such as were most addicted to this Party ; whose Resolutions and Determinations were brought to the Table for Countenance and Execution, not for Debate and Deliberation ; and no Man could offer to oppose them without Disgrace and Hazard to himself : Nay, all those that did not wholly concur, and actively contribute to the Furtherance of their Designs, though otherwise Persons of ever so great Honour and Abilities, were so far from being employed in any Place of Trust and Power, that they were neglected, discountenanced, and, upon all Occasions, injur'd and oppressed. This Faction was grown to that Height and Intireness of Power, that now they began to think of finishing their Work, which consisted of these three Parts :

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1. ' The Government must be set free from all Restraint of Laws, concerning our Persons and Estates.

2. ' There must be a Conjunction betwixt Papists and Protestants, in Doctrine, Discipline, and Ceremonies ; only it must not yet be called Popery.

3. ' The Puritans (under which Name they include all those that desire to preserve the Laws and Liberties of the Kingdom, and to maintain Religion in the Power of it) must be either rooted out of the Kingdom with Force, or driven out with Fear. For the effecting of this, it was thought necessary to reduce Scotland to such Popish Superstitions and Innovations, as might make them apt to join with England in that great Change which was intended : Whereupon new Canons and a new Liturgy were press'd upon them ; and, when they refused to admit of them,

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an Army was raised to force them to it ; towards which the Clergy and the Papists were very forward in their Contribution. The *Scots* likewise raised an Army for their Defence ; and when both Armies were come together, and ready for a bloody Encounter, his Majesty's own gracious Disposition, and the Counsel of the *English* Nobility and dutiful Submission of the *Scots*, did so far prevail against the evil Counsel of others, that a Pacification was made, and his Majesty returned with Peace and much Honour to *London*.

This unexpected Reconciliation was most acceptable to all the Kingdom, except to the malignant Party, whereof the Archbishop and the Earl of *Strafford* being Heads, they and their Faction began to inveigh against the Peace, and to aggravate the Proceedings of the States ; which so incensed his Majesty, that he forthwith prepared again for War. And such was their Confidence, that, having corrupted and distempered the whole Frame and Government of the Kingdom, they did now hope to corrupt that which was the only Means to restore all to a right Frame and Temper again ; to which End they persuaded his Majesty to call a Parliament, not to seek Counsel and Advice of them, but to draw Countenance and Supply from them, and engage the whole Kingdom in their Quarrel ; and, in the mean Time, continued all their unjust Levies of Money, resolving either to make the Parliament pliant to their Will, and to establish Mischief by a Law, or else to break it ; and, with more Colour, to go on by Violence to take what they could not obtain by Consent.

The Ground alledged for the Justification of this War was this, That the undutiful Demand of the Parliament of *Scotland* was a sufficient Reason for his Majesty to take Arms against them, without hearing the Reason of those Demands : And thereupon a new Army was prepared against them ; their Ships were seized in all Ports both of *England*

England and Ireland, and at Sea; their Petitions An. 17. Car. 1.
rejected; and their Commissioners refused Audience.
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This whole Kingdom being most miserably distemper'd with Levies of Men and Money, and Imprisonments of those who denied to submit to those Levies, the Earl of *Strafford* passed into *Ireland*, caused the Parliament there to declare against the *Scots*, to give four Subsidies towards that War, and to engage themselves, their Lives, and Fortunes, for the Prosecution of it; and gave Directions for an Army of 8000 Foot and 1000 Horse to be levied there, which were for the most part Papists.

The Parliament met upon the 13th Day of April, 1640. The Earl of *Strafford* and Archbishop of *Canterbury*, with their Party, so prevailed with his Majesty, that the House of Commons were press'd to yield a Supply for the Maintenance of the War with *Scotland*, before they had provided any Relief for the great and pressing Grievances of the People; which being against the Fundamental Privilege and Proceeding of Parliament, was yet, in humble Respect to his Majesty, so far admitted, as that they agreed to take the Matter of Supply into Consideration; and two several Days it was debated, (twelve Subsidies being demanded for the Release of Ship-Money alone) and a third Day was appointed for Conclusion; when the Heads of that Party began to fear the People might close with the King in satisfying his Desire of Money; but that withall they were like to blast their malicious Designs against *Scotland*, finding them very much indisposed to give any Countenance to that War: Thereupon they wickedly advised the King to break off the Parliament, and to return to the Ways of Confusion; in which their own evil Intentions were most like to prosper and succeed.

After the Parliament ended, May 5, 1640, this Party grew so bold as to counsel the King to supply

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supply himself out of his Subjects Estates by his own Power, at his own Will, without their Consent. The very next Day some Members of both Houses had their Studies and Cabinets, yea their Pockets, searched; another of them, not long after, was committed close Prisoner, for not delivering some Petitions which he had received by Authority of that House; and if harsher Courses were intended, as was reported, it is very probable that the Sickness of the Earl of *Strafford*, and the tumultuous Rising in *Southwark*, and about *Lambeth*, were the Causes that such violent Intentions were not brought to Execution.

A false and scandalous Declaration against the House of Commons was published in his Majesty's Name; which yet wrought little Effect with the People, but only to manifest the Impudence of those who were the Authors of it.

A forced Loan of Money was attempted in the City of *London*, and the Lord Mayor and Aldermen in their several Wards, enjoined to bring in a List of the Names of such Persons as they judged fit to lend, and of the Sum they should lend; and such Aldermen as refused so to do, were committed to Prison.

The Archbishop, and the other Bishops and Clergy, continued the Convocation, and, by a new Commission, turn'd it into a Provincial Synod; in which, by an unheard-of Presumption, they made Canons, that contain in them many Matters contrary to the King's Prerogative; to the Fundamental Laws and Statutes of the Realm, to the Right of Parliaments, to the Property and Liberty of the Subject; and Matters tending to Sedition, and of dangerous Consequence; thereby establishing their own Usurpations, justifying their Altar-Worship, and those other superstitious Innovations, which they formerly introduced without Warrant of Law.

They imposed a new Oath upon divers of his Majesty's Subjects, both Ecclesiastical and Lay, for

for Maintenance of their own Tyranny; laid a great Tax upon the Clergy for Supply of his Majesty; and, generally, they shewed themselves very affectionate to the War with Scotland, which was, by some of them, styled: *Bellum Episcopale*; they composed a Prayer, and enjoined it to be read in all Churches, calling the Scots, Rebels, to put the two Nations into Blood, and make them irreconcilable. All these pretended Censures and Constitutions were armed with the several Censures of Suspension, Excommunication, and Deprivation; by which they would have thrust out all the good Ministers, and most of the well-affected People of the Kingdom, and left an easy Passage to their own Design of Reconciliation with Rome.

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The Popish Party enjoyed such Exemption from the Penal Laws, as amounted to a Toleration, besides many other Encouragements and Court Favours. They had a Secretary of State, Sir Francis Windbank, a powerful Agent for the Speeding of all their Desires; and a Pope's Nuncio residing here, to act and govern them according to such Instructions as he received from Rome, and to intercede for them with the most powerful Concurrence of the foreign Princes of that Religion; by whose Authority the Papists of all Sorts, Nobility, Gentry, and Clergy, were convoked after the Manner of a Parliament; new Jurisdictions were erected of *Romish* Archbishops; Taxes levied; another State moulded within this State, independent in Government, contrary in Interest and Affection, secretly corrupting the ignorant or negligent Professors of our Religion, and closely uniting and combining themselves against such as were found; in this Posture waiting for an Opportunity, by Force, to destroy those whom they could not hope to seduce. For the effecting whereof, they were strengthened with Arms and Munition, and encouraged by superstitious Prayers; enjoined by the Nuncio to be weekly made for the Prosperity of some great Design. And such Power had they at Court, that, secretly, a Com-

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mission was intended to be issued to some great Men of that Profession, for the levying of Soldiers, and to command and employ them according to private Instructions; which we doubt were framed for the Advantage of those who were the Contrivers of them.

His Majesty's Treasure was consumed; his Revenue anticipated; his Servants and Officers compelled to lend great Sums of Money; Multitudes were called to the Council-Table, who were tired with long Attendances there, for refusing illegal Payments; the Prisons were filled with their Commitments; many of the Sheriffs summoned into the Star-Chamber, and some imprisoned for not being quick enough in levying the Ship-Money; the People languished under Grief and Fear, no visible Hope being left, but in Desperation; the Nobility beginning to be weary of their Silence and Patience, and sensible of the Duty and Trust which belongs to them, some of the most eminent of them did thereupon petition his Majesty, at such a Time when evil Counsels were so strong, that they had reason to expect more Hazard to themselves, than Redress of those public Evils for which they interceded.

Whilst the Kingdom was in this Agitation and Distemper, the Scots (restrained in their Trades; impoverished by the Loss of many of their Ships; and bereaved of all Possibility of satisfying his Majesty by any naked Supplication) entered with a powerful Army into the Kingdom; and, without any hostile Act or Spoil in the Country as they passed, more than forcing a Passage over the Tyne at Newburn, near Newcastle, possessed themselves of Newcastle; and had a fair Opportunity to press further upon the King's Army; but Duty and Reverence to his Majesty, and brotherly Love to the English Nation, made them stay there; whereby the King had Leisure to entertain better Counsel; wherein God so blessed and directed him, that he summoned the great Council of Peers to meet at York, upon the 24th of September, and there declared

'clared a Parliament to begin the third of *Novem-* An. 17. Car. 1.
'ber then following. 1641.

' The *Scots*, the first Day of the great Council, December.
'presented an humble Petition to his Majesty,
'whereupon the Treaty was appointed at *Rippon*;
'a present Cessation of Arms agreed upon; and
'a full Conclusion of all Differences referred to the
'Wisdom and Care of the Parliament.

' At our first Meeting all Oppositions seem'd to
'vanish, the Mischiefs were so evident, which those
'evil Counsellors produced, that no Man durst
'stand up to defend them; yet the Work itself af-
'forded Difficulty enough. The multiplied Evils,
'and Corruption of sixteen Years, strengthened by
'Custom and Authority, and the concurrent Inte-
'rest of many powerful Delinquents, were now to
'be brought to Judgment and Reformation. The
'King's Household was to be provided for, they ha-
'ving brought him to that Want, that he could
'not supply his ordinary and necessary Expences,
'without the Assistance of his People. Two Ar-
'mies were to be paid, which amounted very near
'to 80,000*l.* a Month; and the People were to be
'tenderly charged, having been formerly exhausted
'with many burthensome Projects.

' The Difficulties seemed to be insuperable;
'which, by the Divine Providence, we have over-
'come: The Contrarieties incompatible; which
'yet, in a great Measure, we have reconciled. Six
'Subsidies have been granted; and a Bill of Poll-
'Money, which, if it be duly levied, may equal Six
'Subsidies more; in all 600,000*l.* Besides, we
'have contracted a Debt to the *Scots* of 220,000*l.*
'and yet God hath so blessed the Endeavours of
'this Parliament, that the Kingdom is a great Gain-
'er by all these Charges. The Ship-Money is abo-
'lished; which cost the Kingdom above 200,000*l.*
'a-year: The Coat and Conduct-Money, and other
'military Charges, are taken away; which, in ma-
'ny Counties, amounted to little less than the Ship-
'Money: The Monopolies are all suppress'd;
'whereof some few did prejudice the Subject above
'a Million

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a Million yearly; the Soap, 100,000 l. the Wine, 300,000 l. the Leather must needs exceed both; and Salt could be no less than that; besides the inferior Monopolies, which, if they could be exactly computed, would make up a great Sum.

That which is more beneficial than all this, is, That the Root of these Evils is taken away; which was the arbitrary Power pretended to be in his Majesty, of taxing the Subjects, or charging their Estates, without Consent of Parliament; which is now declared to be against Law, by the Judgment of both Houses, and likewise by an Act of Parliament.

Another Step of great Advantage is this, The living Grievances, the evil Counsellors and Actors of these Mischiefs, have been so quelled by the Justice done upon the Earl of *Strafford*; the Flight of the Lord *Finch* and Secretary *Windobank*; the Accusation and Imprisonment of the Archbishop of *Canterbury* and Judge *Berkley*; and the impeachment of divers other Bishops and Judges, that it is like not only to be an Ease to the present Times, but a Preservation to the future.

The Discontinuance of Parliaments is prevented by the Bill for a Triennial Parliament; and the abrupt Dissolution of this Parliament by another Bill, by which it is provided, It shall not be dissolved or adjourned without the Consent of both Houses. These two Laws well considered, may be thought more advantageous than all the former, because they secure a full Operation of the present Remedy, and afford a perpetual Spring of Remedies for the future.

The Star-Chamber, the High Commission, the Courts of President and Council in the North, which were so many Forges of Misery, Oppression, and Violence, are all taken away; whereby Men are more secured in their Persons, Liberties, and Estates, than they could be by any Law or Example for the Regulation of those Courts, or Terror of the Judges. The immoderate Power of the Council-Table, and the excessive Abuse of
that

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that Power is so ordered and restrained, that we may well hope no such Things as were frequently done by them, to the Prejudice of the Public Liberty, will appear in future Times, but only in Stories; to give us, and our Posterity, more Occasion to praise God for his Majesty's Goodness, and the faithful Endeavours of this Parliament.

The Canons, and the Power of Canon-making, are blasted by the Vote of both Houses: The exorbitant Power of Bishops, and their Courts, are much abated by some Provisions in the Bill against the High Commission-Court. The Authors of the many Innovations in Doctrine and Ceremonies, and the Ministers that have been scandalous in their Lives, have been so terrified by just Complaints and Accusations, that we may well hope they will be more modest for the Time to come; being either inwardly convicted by the Sight of their own Folly, or outwardly restrained by the Fear of Punishment.

The Forests are, by a good Law, reduced to their right Bounds. The Encroachments and Oppressions of the Stannary Courts; the Extortions of the Clerk of the Market; and the Compulsion of the Subject to receive the Order of Knighthood against his Will, paying of Fines for not receiving it, and the vexatious Proceedings thereupon for levying of those Fines, are, by other beneficial Laws, reformed and prevented.

Many excellent Laws and Provisions are in Preparation for removing the inordinate Power, Vexation, and Usurpation of Bishops; for reforming the Pride and Idleness of many of the Clergy; for easing the People of unnecessary Ceremonies in Religion; for censuring and removing unworthy and unprofitable Ministers; and for maintaining godly and diligent Preachers thro' the Kingdom.

Other Things, of main Importance for the Good of this Kingdom, are in Proposition, (tho' little could hitherto be done, in regard of the many other pressing Businesses; which yet, before
the

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the End of this Session, we hope may receive
 some Progress and Perfection) as the establishing
 and ordering the King's Revenue, that so the
 Abuse of Officers, and Superfluity of Expences
 may be cut off; and the necessary Disbursements
 for his Majesty's Honour, the Defence and Go-
 vernment of the Kingdom, may be more certainly
 provided for; the regulating of Courts of Justice,
 and abridging both the Delays and Charges of
 Law-Suits; the settling of some good Courses
 for preventing the Exportation of Gold and Sil-
 ver, and the Inequality of Exchanges betwixt us
 and other Nations, for the advancing of native
 Commodities, Increase of our Manufactures, and
 well-balancing of Trade; whereby the Stock of
 the Kingdom may be increased, or, at least, kept
 from impairing, as, thro' Neglect hereof, it hath
 done for many Years last past; for improving the
 Herring Fishing upon our own Coasts; which
 will be of mighty Use in the Employment of the
 Poor, and a plentiful Nursery of Mariners for
 enabling the Kingdom in any great Action.

The Oppositions, Obstructions, and other Dif-
 ficulties wherewith we have been encountered,
 and which still lie in our Way with some Strength
 and much Obstinacy, are these; The malignant
 Party, whom we have formerly described to be
 the Actors and Promoters of all our Misery, they
 have taken great Heart again; and have been able
 to prefer some of their own Factors and Agents
 to Degrees of Honour, to Places of Trust and
 Employment, even during the Parliament: They
 have endeavoured to work in his Majesty ill Im-
 pressions and Opinions of our Proceedings, as if
 we had altogether done our own Work, and not
 his; and had obtained from him many Things
 very prejudicial to the Crown, both in respect of
 Prerogative and Profit.

To wipe out the first Part of this Slander, we
 think good only to say thus much, That all that
 we have done is for his Majesty, his Greatness,
 Honour, and Support. When we yielded to give

25,000*l*.

25,000 *l.* a Month for the Relief of the Northern Counties, this was given to the King; for he was bound to protect his Subjects. They were his Majesty's evil Counsellors, and their ill Instruments, that were Actors in those Grievances which brought in the *Scots*. And if his Majesty please to force those who were the Authors of this War to make Satisfaction, as he might justly and easily do, it seems very reasonable that the People might well be excused from taking upon them this Burden, being altogether innocent, and free from being any Causes of it. When we undertook the Charge of the Army, which cost above 50,000 *l.* a Month, was not this given to the King? Was it not his Majesty's Army? Were not all the Commanders under Contract with his Majesty, at higher Rates and greater Wages than ordinary? And have not we taken upon us to discharge all the Brotherly Assistance of 300,000 *l.* which we gave the *Scots*? Was it not towards Repair of those Damages and Losses which they received from the King's Ships, and from his Ministers? These three Particulars amount to above 1,100,000 *l.* Besides, his Majesty hath received, by Impositions upon Merchandize, at least 400,000 *l.* so that his Majesty hath had out of the Subjects Purse, since the Parliament began, one Million and a half; and yet these Men can be so impudent as to tell his Majesty, that we have done nothing for him.

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As to the second Branch of this Slander: We acknowledge, with much Thankfulness, that his Majesty hath passed more good Bills to the Advantage of the Subjects, than have been in many Ages; but withall we cannot forget, that these venomous Counsels did manifest themselves, in some Endeavours, to hinder these good Acts. And, for both Houses of Parliament, we may, with Truth and Modesty, say thus much, That we have ever been careful not to desire any thing that should weaken the Crown, either in just Profit or useful Power.

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‘ The Triennial Parliament, for the Matter of
 ‘ it, doth not extend to so much as, by Law, we
 ‘ ought to have required; there being two Statutes,
 ‘ still in Force, for a Parliament to be once a Year;
 ‘ and, for the Manner of it, it is in the King’s
 ‘ Power that it shall never take Effect, if he, by a
 ‘ timely Summons, shall prevent any other Way
 ‘ of assembling.

‘ In the Bill for Continuance of this present Par-
 ‘ liament, there seems to be some Restraint of the
 ‘ Royal Power in dissolving of Parliaments; yet not
 ‘ to take it out of the Crown, but to suspend the Ex-
 ‘ ecution of it for this Time and Occasion only;
 ‘ which was so necessary for the King’s own Secu-
 ‘ rity and the Public Peace, that, without it, we
 ‘ could not have undertaken any of these great
 ‘ Charges; but must have left both the Armies to
 ‘ Disorder and Confusion, and the whole King-
 ‘ dom to Blood and Rapine.

‘ The Star-Chamber was much more fruitful in
 ‘ Oppression than in Profit; the great Fines being,
 ‘ for the most part, given away, and the rest stated
 ‘ at long Times.

‘ The Fines of the High Commission were, in
 ‘ themselves, unjust, and seldom or never came
 ‘ into the King’s Purse.

‘ These four Bills are particularly and more spe-
 ‘ cially instanced; in the rest there will not be found
 ‘ so much as a Shadow of Prejudice to the Crown.

‘ They have sought to diminish our Reputa-
 ‘ tion with the People, and to bring them out of
 ‘ Love with Parliaments. The Aspersions which
 ‘ they have attempted this Way have been such as
 ‘ these, ‘ That we have spent much Time, and
 ‘ done little; especially in those Grievances which
 ‘ concern Religion: That the Parliament is a
 ‘ Burden to the Kingdom, by the Abundance of
 ‘ Protections, which hinder Justice and Trade;
 ‘ and, by many Subsidies granted, much more
 ‘ heavy than any they formerly endured.’

‘ To which there is a ready Answer: If the Time
 ‘ spent in this Parliament be considered in relation,
 ‘ back-

backward, to the long Growth and deep Root of those Grievances, which we have removed ; to the powerful Supports of those Delinquents, which we have pursued ; to the great Necessities and other Charges of the Commonwealth, for which we have provided : Or if it be considered in relation, forward, to many Advantages, which not only the present, but future Ages are like to reap by the good Laws and other Proceedings in this Parliament, we doubt not but it will be thought, by all indifferent Judgments, that our Time hath been much better employed than in a far greater Proportion of Time in many former Parliaments put together. And the Charges which have been laid upon the Subject, and the other Inconveniences which they have borne, will seem very light, in respect of the Benefit they have had, and may receive. And for the Matter of Protections ; the Parliament is so sensible of it, that therein they intend to give them whatsoever Ease may stand with Honour and Justice ; and are in a Way of passing a Bill to give them Satisfaction.

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They have sought, by many subtle Practices, to cause Jealousies and Divisions betwixt us and our Brethren of *Scotland* ; by slandering their Proceedings and Intentions towards us ; and, by secret Endeavours, to instigate and incense them and us one against another. They have had such a Party of Bishops and Popish Lords in the House of Peers, as hath caused much Opposition and Delay in the Prosecution of Delinquents ; and hindered the Proceedings of divers good Bills, passed in the Commons House, concerning the Reformation of sundry great Abuses and Corruptions both in Church and State. They have laboured to seduce and corrupt some of the Commons House, to draw them into Conspiracies and Combinations against the Liberty of the Parliament ; and, by their Instruments and Agents, they have attempted to disaffect and discontent his Majesty's Army, and to engage it for the Maintenance of their wicked and traiterous Designs ; the keeping up of Bishops

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in Votes and Functions; and, by Force, to compel the Parliament, to order, limit; and dispose their Proceedings in such Manner as might best concur with the Intentions of this dangerous and potent Faction. And when one mischievous Design and Attempt of theirs, to bring up the Army against the Parliament and the City of *London*, had been discovered and prevented, they presently undertook another of the same damnable Nature; with this Addition to it, to endeavour to make the *Scots* Army neutral, whilst the *English* Army (which they had laboured to corrupt and invenome against us, by their false and slanderous Suggestions) should execute their Malice, to the Subversion of our Religion, and the Dissolution of the Government.

Thus they have been continually practising to disturb the Peace, and plotting the Destruction, even of all the King's Dominions; and have employed their Emissaries and Agents, in them all, for the promoting of their devilish Designs; which the Vigilancy of those who were well affected hath still discovered and defeated, before they were ripe for Execution in *England* and *Scotland*; only in *Ireland*, which was farther off, they have had Time and Opportunity to mould and prepare their Work, and had brought it to that Perfection, that they had possessed themselves of that whole Kingdom; totally subverted the Government of it, rooted out Religion, and destroyed all the Protestants, whom the Conscience of their Duty to God, their King and Country, would not permit to join with them; if, by God's wonderful Providence, their main Enterprize upon the City and Castle of *Dublin* had not been detected and prevented, upon the very Eve before it should have been executed: Notwithstanding, they have, in other Parts of that Kingdom, broken out into open Rebellion; surprizing Towns and Castles; committing Murders, Rapes, and other Villanies; and shaken off all Bonds of Obedience to his Majesty,

‘ jesty, and the Laws of the Realm; and, in ge-
 ‘ neral, have kindled such a Fire, as nothing but
 ‘ God’s infinite Blessing upon the Wisdom and En-
 ‘ deavours of this State, will be able to quench.
 ‘ And certainly, had not God, in his great Mercy
 ‘ unto this Land, discovered and confounded their
 ‘ former Designs, we had been the Prologue to this
 ‘ Tragedy in *Ireland*; and had, by this Time, been
 ‘ made the lamentable Spectacle of Misery and
 ‘ Confusion.

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‘ And now, what Hope have we but in God;
 ‘ when the only Means of our Subsistence, and
 ‘ Power of Reformation, is, under him, in the Par-
 ‘ liament? But what can we the Commons do,
 ‘ without the Conjunction of the House of Lords?
 ‘ And what Conjunction can we expect there?
 ‘ where the Bishops and Recusant Lords are so nu-
 ‘ merous and prevalent, that they are able to cross
 ‘ and interrupt our best Endeavours for Reforma-
 ‘ tion; and, by that Means, give Advantage to
 ‘ this malignant Party to traduce our Proceedings?
 ‘ They infuse into the People, ‘ That we mean to
 ‘ abolish all Church-Government, and leave every
 ‘ Man to his own Fancy for the Service and Wor-
 ‘ ship of God; absolving him of that Obedience
 ‘ which he owes, under God, unto his Majesty;
 ‘ whom we know to be intrusted with the Eccle-
 ‘ siastical Law as well as with the Temporal, to re-
 ‘ gulate all the Members of the Church of *England*
 ‘ by such Rules of Order and Discipline as are esta-
 ‘ blished by Parliament, which is his great Council
 ‘ in all Affairs both in Church and State.

‘ We confess our Intention is, and our Endea-
 ‘ vours have been, to reduce within Bounds that
 ‘ exorbitant Power which the Prelates have assum’d
 ‘ unto themselves, so contrary both to the Word
 ‘ of God, and to the Laws of the Land; to which
 ‘ End we passed the Bill for the removing them
 ‘ from their Temporal Power and Employments,
 ‘ that so the better they might, with Meekness,
 ‘ apply themselves to the Discharge of their Func-

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tions ; which Bill themselves opposed, and were
the principal Instruments of crossing it.

And we do here declare, That it is far from our
Purpose or Desire to let loose the golden Reins of
Discipline and Government in the Church ; to
leave private Persons, or particular Congregations,
to take up what Form of Divine Service they
please ; for we hold it requisite, that there should
be, throughout the whole Realm, a Conformity
to that Order which the Laws injoin, according
to the Word of God : And we desire to unburden
the Consciences of Men of needless and supersti-
tious Ceremonies, suppress Innovations, and take
away the Monuments of Idolatry. And, the bet-
ter to effect the intended Reformation, we desire
there may be a general Synod of the most grave,
pious, learned, and judicious Divines of this
Island, assisted with some from foreign Parts, pro-
fessing the same Religion with us, who may consi-
der of all Things necessary for the Peace and good
Government of the Church ; and represent the
Results of their Consultations unto the Parlia-
ment, to be there allowed of and confirmed, and
receive the Stamp of Authority, thereby to find
Passage and Obedience throughout the Kingdom.

They have maliciously charged us, ' That we
' intend to destroy and discourage Learning ;
' whereas it is our chiefest Care and Desire to
' advance it, and to provide a competent Mainte-
' nance for conscionable and preaching Ministers
' throughout the Kingdom ; which will be a great
' Encouragement to Scholars, and a certain Means
' whereby the Want, Meanness, and Ignorance to
' which a great Part of the Clergy is now subject,
' will be prevented. And we intend likewise to
' reform and purge the Fountains of Learning, the
' two Universities, that the Streams flowing from
' thence may be clear and pure, and an Honour and
' Comfort to the whole Land.

They have strained to blast our Proceedings in
Parliament, by wresting the Interpretations of our
Orders from their genuine Intention. They
tell

‘ tell the People, ‘ That our meddling with the
 “ Power of Episcopacy, hath caused Sectaries and
 “ Conventicles ;’ when Idolatry and Popish Cere-
 monies, introduced into the Church by the Com-
 mand of the Bishops, have not only debarred the
 People from thence, but expelled them from the
 Kingdom. Thus, with *Elijah*, we are called by
 this malignant Party, The Troublers of the State :
 And still, while we endeavour to reform their
 Abuses, they make us the Authors of those Mis-
 chiefs we study to prevent.

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‘ For the perfecting of the Work begun, and re-
 moving all future Impediments, we conceive
 these Courses will be very effectual, seeing the
 Religion of the Papists hath such Principles as do
 certainly tend to the Destruction and Extirpation
 of all Protestants, when they shall have Oppor-
 tunity to effect it.

‘ In the *first* Place, it is necessary, to keep them
 in such Condition, as that they may not be able
 to do us any Hurt : And, for avoiding of such
 Connivance and Favour, as hath heretofore been
 shewed unto them, that his Majesty be pleased to
 grant a standing Commission to some choice Men,
 named in Parliament, who may take Notice of
 their Increase, their Counsels, and Proceedings ;
 and use all due Means, by Execution of the Laws,
 to prevent any mischievous Designs against the
 Peace and Safety of this Kingdom.

2dly, ‘ That some good Course be taken to dis-
 cover the counterfeit and false Conformity of Pa-
 pists to the Church ; by Colour whereof Persons,
 very much disaffected to the true Religion, have
 been admitted into Places of greatest Authority
 and Trust in the Kingdom.

3dly, ‘ For the better Preservation of the Laws
 and Liberties of the Kingdom, that all illegal
 Grievances and Exactions be presented and pun-
 ished at the Sessions and Assizes ; and that Judges
 and Justices be careful to give this in Charge to
 the Grand-Jury ; and both the Sheriffs and Ju-
 stices

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‘ *sworn to be sworn to the due Execution of the
Petition-of-Right, and other Laws.*

4thly, ‘ That his Majesty be humbly petitioned,
by both Houses, to employ such Counsellors, Ambassadors, and other Ministers, in managing his
Business at home and abroad, as the Parliament
may have Cause to confide in; without which
we cannot give his Majesty such Supplies for Support of his own Estate, nor such Assistance to the
Protestant Party beyond the Sea, as is desired.

‘ It may often fall out that the Commons may
have just Cause to take Exceptions at some Men
for being Counsellors, and yet not charge those
Men with Crimes; for there be Grounds of Diffidence which lye not in Proof; there are others
which, tho’ they may be proved, yet are not legally criminal. To be a known Favourer of
Papists; or to have been very forward in defending or countenancing some great Offenders; questioned in Parliament; or to speak contemptuously
of either House of Parliament or Parliamentary Proceedings; or such as are Factors or Agents for
any foreign Prince of another Religion; such as are
justly suspected to get Counsellors Places, or any
other of Trust concerning public Employment
for Money. For all these, and divers others, we
may have great Reason to be earnest with his Majesty not to put his great Affairs into such Hands,
tho’ we may be unwilling to proceed against them
in any legal Way of Charge or Impeachment.

5thly, ‘ That all Counsellors of State may be
sworn to observe the Laws which concern the
Subject in his Liberty; that they may likewise
take an Oath not to receive, or give, Reward or
Pension to, or from, any foreign Prince, but such
as they, within some reasonable Time, discover to
the Lords of his Majesty’s Council; and altho’
they should wickedly forswear themselves, yet it
may herein do good, to make them known to be
false and perjured to those who employ them,
and thereby bring them into as little Credit with
them as with us;

‘ That

‘ That his Majesty may have Cause to be in love
 ‘ with good Counsel and good Men, by shewing
 ‘ him, in an humble and dutiful Manner, how full
 ‘ of Advantage it would be to himself; to see his
 ‘ own Estate settled in a plentiful Condition to sup-
 ‘ port his Honour; to see his People united in Ways
 ‘ of Duty to him, and Endeavours for the Public
 ‘ Good; to see Happiness, Wealth, Peace, and
 ‘ Safety derived to his own Kingdom, and procured
 ‘ to his Allies, by the Influence of his own Power
 ‘ and Government :

‘ That all good Courses may be taken to unite
 ‘ the two Kingdoms of *England* and *Scotland*, to
 ‘ be mutually aiding and assisting one another, for
 ‘ the common Good of the Island, and Honour of
 ‘ both :

‘ To take away all Differences among ourselves
 ‘ for Matters indifferent in their own Nature con-
 ‘ cerning Religion, and to unite ourselves against
 ‘ the common Enemies; which are the better ena-
 ‘ bled, by our Divisions, to destroy us, as they
 ‘ hope and have often endeavoured :

‘ To labour, by all Offices of Friendship, to unite
 ‘ the foreign Churches with us in the same Cause;
 ‘ and to seek their Liberty, Safety, and Prosperity,
 ‘ as bound thereunto, both by Charity to them, and
 ‘ by Wisdom for our own Good; for, by this
 ‘ Means, our Strength shall be increased, and, by a
 ‘ mutual Concurrence to the same common End,
 ‘ we shall be enabled to procure the Good of the
 ‘ whole Body of the Protestant Profession.

‘ If these Things may be observed, we doubt
 ‘ not but God will crown this Parliament with such
 ‘ Success, as shall be the Beginning and Founda-
 ‘ tion of more Honour and Happiness to his Ma-
 ‘ jesty, than ever was yet enjoyed by any of his
 ‘ Royal Predecessors.’

December. 2. This Day the King came to the
 House of Lords; and, sending for the Commons,
 the Speaker, with the whole House, came up with
 ‘ the

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Most Dread Sovereign,

The Speaker's
Speech at pre-
senting a Bill for
Continuance of
Tonnage and
Poundage.

‘ THE Observation, taken from the unlike
‘ Compositions and various Motions of the
‘ World, made the Philosophers conclude that *Tota*
‘ *hujus Mundi Concordia ex Discordibus constat*.
‘ The happy Conjunction of both these Nations, in
‘ the Triumph and Joy of your sacred Presence,
‘ extracted from the different Dispositions and Opinions,
‘ give us Cause to observe and admire these
‘ blessed Effects from such contrary Causes: We
‘ may, without Flattery, commend your sacred
‘ Majesty as the glorious Instrument of this happy
‘ Change, whose Piety and Prudence, directed by
‘ the Hand of God, hath contracted this Union
‘ from those various Discords.

‘ The Story of these Times will seem Paradoxes
‘ in following Generations, when they shall hear
‘ of Peace sprung from the Root of Dissention; of
‘ Union planted upon the Stock of Divisions; two
‘ Armies in the Field both ready to strike the first
‘ Blow, and both united without a Stroke. Nothing
‘ can reduce these Truths into a Belief, but the
‘ Knowledge of your Piety and Justice, who have
‘ accomplished these Acts of Wonder, by Goodness
‘ and Gentleness, without Force or Violence.

‘ This Way of Conquest, this *Bellum incruentum*,
‘ hath been the Rule of the most valiant and
‘ puissant Monarchs; advancing their Glory in the
‘ Safeguard of one Subject, more than in the Death
‘ of a thousand Enemies: And thus have you erected
‘ a Monument of Glory to your sacred Memory
‘ for all Generations.

‘ And as your Care and Piety for the Welfare of
‘ your Northern Kingdom, called you to that Work,
‘ for the great Comfort of your People, which your
‘ Wisdom hath so happily consummated: So, now,
‘ the

‘ From the original Edition, printed by *Joseph Hunslet*.

the Distemper of your other Kingdom, fomented by the same Spirit, whose Presence admits no Peace in *Israel*, calls on your Providence to heal the Diseases of that Nation.

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The one from whence you returned, hath, with *Abel*, tho' the younger Brother, offered an acceptable Sacrifice; the other, with *Cain*, hath erected Altars for Blood and Revenge (the old Immolations of the *Levitical* Priesthood) which invokes the Necessity of your Justice: The one, to a natural hath added a politic Brotherhood; the other, of Brothers, I am sorry to say it, are become Strangers: The Fidelity of the one hath written a Story of Admiration to the World; the Disloyalty of the other hath parallel'd that horrid Design, matchless before amongst all Generations; 1st, In their Intentions, the Destruction of a Kingdom, even when Unity and Peace were tying the Knot of Religion and Safety. 2^{dly}, In the Discovery, a Moment of Time prevented the Execution. 3^{dly}, In the Actors, Jesuits and Priests, without whom the Malice of the Devil could not have found a Party in the World, fitted to act over the like bloody Tragedy.

But this, among the many Joys we receive by your happy Return, is not the least, That the same Providence which protected that gracious King, your most religious Father, from their bloody Attempts, and increased the Blessing of a long and happy Reign, hath also defended your sacred Throne from all their Machinations.

Thus we see Religion is the greatest Policy, the never-failing Support of King and Kingdom; that which firms you and your Posterity to your Throne, and our Duty and Obedience to it.

Give me Leave here, Most Gracious Sovereign, to sum up the Sense of eleven Months Observation, without Intermission scarce of a Day, nay an Hour in that Day, to the Hazard of Life and Fortune; and to reduce all into this Conclusion, That the Endeavours of your Commons assembled, guided by your pious and religious Example, is to

pre-

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‘ preserve Religion in its Purity, without Mixture,
 ‘ or Composition, against these subtle Invaders ;
 ‘ and, with our Lives and Fortunes, to establish
 ‘ this Throne to your sacred Person, and those
 ‘ Beams of Majesty, your Royal Progeny, against
 ‘ all Treason and Rebellion.

‘ The Ways that conduce to this End, are the
 ‘ Defence of the Land and Sea ; for the one we
 ‘ have already voted to raise Money ; for the
 ‘ other, this Bill, in some Measure, will accom-
 ‘ plish for a little Time ; and, to that End, I, by
 ‘ the Command of the Commons, humbly beseech
 ‘ your Royal Assent.’

When the Speaker had ended, and the Royal
 ‘ Assent given to the Bill, the King himself spoke
 ‘ as follows ^d :

My Lords and Gentlemen,

The King's
 Speech to both
 Houses on his
 Return from
 Scotland.

*I Think it fit, after so long Absence, at this first
 Occasion, to speak a few Words unto you : But
 it is no ways in Answer to Mr. Speaker's learned
 Speech.*

*Albeit I have stayed longer than I expected to have
 done when I went away ; yet in this I have kept my
 Promise with you, that I have made. all the Haste
 back again, that the Settling of my Scots Affairs could
 any ways permit : In which I have had so good Suc-
 cess, that I will confidently affirm to you, that I have
 left that Nation a most peaceable and contented
 People ; so that although I have a little mis-reckoned
 in Time, yet I was not deceived in my End.*

*But if I have deceived your Expectations a little,
 in the Time of my Return ; yet I am assured, that
 my Expectation is as much and more deceived, in the
 Condition wherein I hoped to have found Businesses
 at my Return: For, since that, before my going, I set-
 tled the Liberties of my Subjects, and gave the Laws
 a free and orderly Course, I expected to have found my
 People reaping the Fruits of these Benefits, by living
 in*

^d Printed by Robert Barker, Printer to the King's Most Excel-
 lent Majesty, and by the Assigns of John Bill, 1641.

in Quietness and Satisfaction of Mind : But instead of this, I find them disturbed with Jealousies, Frights, and Alarms of dangerous Designs and Plots ; in Consequence of which Guards have been set to defend both Houses. I say not this, as in Doubt that my Subjects Affections are any way lessened to me in this Time of my Absence ; (for I cannot but remember, to my great Comfort, the joyful Reception I had now at my Entry into London) but rather, as I hope, that my Presence will easily disperse these Fears ; for I bring as perfect and true Affections to my People as ever Prince did, or as good Subjects can possibly desire ; and I am so far from repenting me of any Act I have done this Session for the Good of my People, that I protest, if it were to do again, I would do it ; and will yet grant what else can be justly desired for Satisfaction in Point of Liberties, or in Maintenance of the true Religion that is here established.

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Now, I have but one Particular to recommend unto you at this Time : It is Ireland ; for which, though I doubt not your Care, yet, methinks, the Preparations for it go but slowly on. The Occasion is the fitter for me now to mention it, because of the Arrival of two Lords from Scotland, who come instructed from my Council there, (who now, by Act of Parliament, hath full Power for that Purpose) to answer that Demand, which it pleased both Houses to make me, by way of Petition ; that met me at Berwick ; and which the Duke of Richmond sent back, by my Command, to my Scots Council. Therefore my Desire is, That both Houses would appoint a select Committee, to end this Business with these Noblemen.

I must conclude in telling you, that I seek my People's Happiness ; for their Flourishing is my greatest Glory, and their Affections my greatest Strength.

December 3. According to the Tenor of his Majesty's Speech, in regard to some Lords coming as Commissioners out of Scotland, about the Irish Rebellion, both Houses thought proper to nominate some of their Body, to treat with them on that Business. The Earl of Bedford, and the Earl of Leicester,
Lord

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 In Consequence whereof they appoint a Committee to treat with the *Scots*.
 Lord-Lieutenant of *Ireland*, with the Lord *Howard* of *Escrick*, were appointed by the Lords; and Mr. *Nathaniel Fiennes*, Sir *William Armyn*, Sir *Philip Stapylton*, and Mr. *Hampden*, by the Commons, to treat with the *Scots* Commissioners, according to the King's Directions. The Commons, also, ordered the King's Speech to be entered in their *Journals*; a Thing not usual in former Sessions.

The Lords resume the Cause of the thirteen impeached Bishops.

The Cause of the thirteen impeached Bishops was this Day resumed by the Lords, when the Counsel for them was demanded to shew Cause, Why the Desire of the House of Commons, lately made, should not be granted; which was, That a short Day might be fixed for them to make Proof of their Charge, notwithstanding the Plea and Demurrer of the Bishops. Their Counsel answered, That this Cause would not be fit for a Hearing, untill the Bishops put in their Answers; for there can be no Issue joined till then. And they conceive no Answer can be made untill the Charge is particular; therefore the Bishops abide by their Plea and Demurrer.

The Lords ordered *Tuesday*, the 7th Instant, to hear what the Counsel could say in maintaining the Plea and Demurrer to the Impeachment; at which Time and Place the House of Commons, or such of their Members as they should appoint, might be present if they pleased. And, as there was nothing material done in either House, we shall pass on to

December 7. When a Report was made to the Lords, by the Archbishop of *York*^e, of a Conference had with the Commons the Day before, concerning

^e Dr. *John Williams*, translated from the Bishoprick of *Lincoln* to this See, the 4th of this Month, on the Death of Archbishop *Neile*.

Lord *Clarendon* accounts for this Prelate's Promotion (who was for some Years in the *Tower*, by a Sentence of the Star-Chamber, before this Parliament met; and had been, since, in great Esteem with the Commons on account of his Behaviour in the Case of the Archbishop of *Canterbury* and Lord *Strafford*) by saying, 'That, as the Time then was, it could not qualify him to do more Harm, and might possibly dispose and oblige him to do some Good.'

History of the Rebellion, Vol. 1. 2vo. Edit. p. 350.

cerning the Prosecution against the Bishops, to this Effect: An. 17. Car. I.
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‘ He first repeated all the Proceedings in this Cause, from the first Impeachment, the 4th of *August* last, to that Time; wherein the House of Commons observed much Dilatoriness had been used by the Bishops, and that so long Time given, in Causes of this Nature, produced great Inconveniences; and that this kind of Proceeding was not preceded in former Parliaments; for this Course would keep all Causes from being heard, and Delinquents from being questioned. *Super totam Materiam*, it was demanded by the House of Commons, that one of these three Things be granted:

December.

1. ‘ That the Demurrer might be rejected: Or
2. ‘ That their Lordships would proceed to Judgment: Or, at least,

3. ‘ That the House of Commons might be admitted to make their Proofs, without farther Delay.’

The Counsel for the Bishops being then called in, and the second Impeachment, of the 13th of *August* last, read to them, they desired some short Day to consider what Answer the Bishops should make to it; and the Lords fixed upon *Saturday*, the 11th Instant, for that Purpose.

This Day the Queen, again, desired of the Lords, That since her Confessor *Philips*, was bailed, he might not be restrained from coming to her. The Commons
still refuse the
Queen the Use of
her Confessor.
This was consented to by the Lords, but refused by the Commons.

December 8. The King sent a Message to the Lords, ‘ That it was his Desire both Houses would consider of, and prepare, Instructions for their Commissioners to treat with the *Scots* about the *Irish* Affairs, and present them to him.’ He, also, sent to inform both Houses, ‘ That the *French* Ambassador had petitioned for eight Priests condemned this Week; and that they might be imprisoned or banished, rather than be executed, because it might
concern

AD. 17. Car. I. concern the settling of Affairs in *Ireland*.^f In this his Majesty desired the Advice of Parliament.

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December.

Five thousand
Scots to be trans-
ported into *Ire-
land*.

The House of Commons sent up the Instructions for the Treaty with the *Scots*; which was only to make the best Agreement with them they could, for transporting 5000 Men into *Ireland*, and paying for them; and to express the Thanks of both Houses, for their Readiness to assist in that Business.

The Rebels there
require the free
Exercise of their
Religion.

This Day both Houses being informed, That the *Irish* Rebels, had presented a Remonstrance for Peace, the Terms of which were, To have the free Exercise of their Religion, and a Repeal of all Laws to the contrary, &c. after a solemn Debate, it was resolved by both Lords and Commons, 'That they would never give Consent to any Toleration of the Popish Religion, in *Ireland*, or any other of his Majesty's Dominions.' In this Debate, amongst the Commons, Sir *Benjamin Rudyard* spoke as follows^f:

Mr. Speaker,

Sir *B. Rudyard*'s
Speech against
that Demand.

'Peradventure I could have wished that Toleration in Religion had not, at this Time, come in question; yet now that it is brought on the Stage, I am brought to the Stake. When Religion is so nearly concerned, I love not to take any Civil or Politic Respects into Consideration: Reasons of State have almost eaten up all the Laws and Religion of *Christendom*.

'I have often heard it discoursed, Whether we should make Religion an Argument of any of our Undertakings abroad? Herein the wiser Sort have been very nice and tender; believing that the Over-number of Papists would overwhelm us; yet I have been long of Opinion, that our Attempts and Assistance have so often miscarried, because we have not boldly and publicly avowed our Religion. It may be God, who can conquer as well with few
as

^f From the Collection of this Gentleman's Speeches, printed by *Francis Constable*, 1641.

as with many, thinks we are too many. Shall the *Irish* now make their Religion the Cause of their Rebellion, and shall we be ashamed or afraid to maintain our Religion, in reducing them to their Duty or Obedience? God will not honour them who do not honour him. Let us remember the Expostulation in the *Chronicles*, *Why transgress ye the Commands of God, so that ye cannot prosper?* This is a great Transgression, to shrink from God in his Truth.

‘When we deny the *Irish* a Toleration, we do not withdraw the Ease and Favours they have heretofore enjoyed; greater, I am sure, than they would afford us, if we were in their Power: Wherefore, Mr. Speaker, let us uphold our Religion, and trust God with the Success.’

December 9. Sir *John Hoitham* delivered in to the Commons the State of the National Accounts and Debts; by which it appear'd that the latter then amounted to 504,044 *l.* 4 *s.* 5 *d.*

The House renewed the Affair of a Conspiracy to bring up the Army to awe, or subdue, the Parliament; when some Persons were voted guilty of High Treason; and Sir *John Berkeley*, Sir *Hugh Pollard*, Mr. *William Ashburnham*, and Mr. *Wil-*mot, guilty of Misprison of Treason. The three last, as Members, with Mr. *Henry Piercy*, were expelled the House.

December 10. A Company of Watchmen, with Halberts, being set as a Guard to the Doors of both Houses of Parliament, one of them was ordered to be called in to the Lords, and demanded the Reason why they came there? It was answered, That they came by virtue of a Warrant from the High Constable of *Westminster*, as a Guard, because a Riot was likely to be there, as that Day. The High Constable being sent for, declared, That he received a Warrant from the Justices of Peace, set forth by the King's Writ directed to them, for preventing of Riots, Routs, and unlawful Assemblies, according to the Statute of 13. *Hen. IV. Cap. 7.*

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G

The

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December.

The Commons
dismiss the
Guards appoint-
ed by the King to
prevent Riots.

The Votes as to
the condemned
Priests.

The House of Commons were brisker in their Inquiry into this Business, and summoned the Justices before them; where finding that one of them had exceeded his Commission, in appointing Guards, without acquainting the Parliament with it, they sent him to the *Tower*, and dismissed the Guards.

December 11. The King not having received any Answer from the Parliament about the condemned Priests, he sent to the House of Lords again, acquainting them, that they were ordered for Execution in two Days Time, unless reprieved. This being communicated to the Commons, they went to voting on these Men's Lives separately; on which there were three Divisions in the House, and Mercy prevailed so far, that two of them were voted to be spared; tho' one had a near Run for his Life, the Division being only 74 against 73. Some Altercations happened, afterwards, between the Houses, about these Priests; but the Commons sending up a Letter from *Ireland*, of the bloody Massacre the Rebels were making in that Kingdom, both Houses joined in a Petition to his Majesty to take off his Reprieve, and suffer them all to be executed: But this not being complied with, they were all afterwards banished.

Orders were sent from both Houses to their Commissioners, to treat with the *Scots* for ten thousand Men instead of five.

The Counsel for the Bishops were heard again in the House of Lords, and ordered a farther Hearing on *Monday* the 13th: But, before that came on, the Lords thought proper to have a Conference with the other House; when they inform'd the Commons, That the Bishops were resolved to abide by their former Plea and Demurrer; only they had waved one Branch of the latter, which was to the Generality of the Charge, which appear'd to be particular: That they had appointed the next Day for a further Hearing; of which they thought proper to give the Commons Notice to attend, if they pleased. But this was prevented by the King's coming to the House of Lords that Day; when, being

ing seated on the Throne, he made this Speech to An. 17. Car. 1.
both Houses of Parliament: 1641.

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My Lords and Gentlemen,

THE last Time I was in this Place, and the last The King's
Thing that I recommended unto you, was the Bu- Speech, taking
siness of Ireland; whereby I was in good Hope that I Notice of a Bill
should not have needed again to have put you in mind of depending for
that Business: But still seeing the slow Proceedings pressing of Sol-
therein; and the daily Dispatches that I have out of diers;
Ireland; of the lamentable Estate of my Protestant
Subjects there, I cannot but again earnestly commend
the Dispatch of that Expedition unto you; for it is
the chief Business that, at this Time, I take to Heart;
and there cannot almost, be any Business that I can
have more Care of.

I might now take up some of your Time in expres-
sing my Detestation of Rebellions in general, and of
this in particular: But knowing that Deeds, and
not Declarations, must suppress this great Insolency;
I do here, in a Word, offer you whatsoever my Power,
Pains, or Industry, can contribute to this good and
necessary Work of reducing the Irish Nation to their
true and wonted Obedience.

And, that nothing may be omitted on my Part, I
must here take notice of the Bill for pressing of Sol-
diers, now depending among you, my Lords; concerning
which, I here declare, That, in case it come so to me,
as it may not infringe or diminish my Prerogative, I will
pass it. And further; seeing there is a Dispute
raised (I being little beholden to him whatsoever at this
Time began it) concerning the Bounds of this antient
and undoubted Prerogative; to avoid further Debate
at this Time, I offer that the Bill may pass with a
Salvo just both for King and People, leaving such
Debates to a Time that may better bear them. If
this be not accepted, the Fault is not mine that this
Bill pass not, but theirs that refuse so fair an Offer.

G 2

To

It In the Preamble to this Bill, as sent up by the Commons to the
Lords, it was declared, 'That the King had, in no Case, or upon
any Occasion, but the Invasion from a foreign Power, Authority
' to press the free-born Subject; that being inconsistent with the
' Freedom and Liberty of his Person.'

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To conclude: I conjure you, by all that is or can be dear to you or me, that, laying away all Disputes, you go on chearfully and speedily for the Relief of Ireland.

No sooner was the King departed, than both Houses fell, warmly, into Debate, on that Part of his Speech which mention'd the Press-Act. After many Disputes and some Conferences about it,

Which both Houses vote to be a Breach of Privilege.

December 15, both Houses agreed in these Resolutions, 'That it was their Opinion, that the Privileges of Parliament were broken, 1st, By his Majesty's taking Notice of the Bill for pressing, it being in Agitation in both Houses, and not agreed on. 2^{dly}, In that his Majesty should propound a Limitation and provisional Clause to be added to the Bill, before it was presented to him by the Consent of both Houses. 3^{dly}, In that his Majesty did express his Displeasure against some Persons, for Matters moved or debated in Parliament; during the Debate and Preparation of that Bill. 4^{thly}, That a Declaratory Protestation be entered into, by both Houses, for the Claim of these Privileges and Liberties; and that a Petitionary Remonstrance be drawn up, and presented to his Majesty about them.'

In the Heat of these Debates, in the House of Lords, the Lord *Pierrepont*^b happening to say, 'That it was not honourable for that House to be in such a Noise and Tumult,' the Lords thought these Words a great Offence against so high a Court; and therefore he was committed to the Custody of the Gentleman-Usher; but, upon his humble Petition, the next Day he was released.

The Commons resolve to print their Petition and Remonstrance.

The same Day the Commons resolved to give present Orders for the printing of their Remonstrance, or Declaration, concerning the State of the Kingdom, on a Division, Yeas 135, Noes 83. The Tellers upon this very remarkable Occasion were, for the Question, Mr. *Denzil Holles*, Member for *Dorchester*, and Sir *Walter Erle*, Member for *Weymouth*.

^b Eldest Son of the Earl of *Kington*, called up by Writ, *Viva Patria*.

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mouth; against it, Sir John Colepeper, Knight of the An. 17. Car. 1.
Shire for Kent, and Mr. John Ashburnham, Member 1641.
for Hastings.

December.

The Commons having printed and published their Petition and Remonstrance, the King gave Orders for printing and publishing his Answer to the former as follows:

WE having received from you, soon after our Return out of Scotland, a long Petition, consisting of many Desires of great Moment, together with a Declaration of a very unusual Nature annexed thereunto, we had taken some Time to consider of it, as befitted us in a Matter of that Consequence; being confident, that your own Reason and Regard to us, as well as our express Intimation by our Comptroller to that Purpose, would have restrained you from the Publishing of it, till such Time as you should have received our Answer to it: But, much against our Expectation, finding the contrary, that the said Declaration is already abroad in Print, by Directions from your House, as appears by the printed Copy, we must let you know that we are very sensible of this Disrespect: Notwithstanding, it is our Intention that no Failing on your Part shall make us fail in ours, of giving all due Satisfaction to the Desires of our People in a Parliamentary Way; and therefore we send you this Answer to your Petition, reserving ourself in point of the Declaration, which we think Unparliamentary, and shall take a Course to do that which we shall think fit in Prudence and Honour.

To the Petition we say, That although there are divers Things in the Preamble of it, which we are so far from admitting, that we profess we cannot understand them; as, of a wicked and malignant Party prevalent in the Government; of some of that Party admitted to our Privy-Council, and to other Employments of Trust, and nearest to us and our Children; of Endeavours to sow among the People false Scandals and Imputations, to blemish and disgrace the Proceedings of the Parliament:

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All, or any of which, did we know of, we should be as ready to remedy and punish, as you to complain of. That the Prayers of your Petition are grounded upon such Premises as we must in no wise admit; yet, notwithstanding, we are pleased to give this Answer to you.

To the first, concerning Religion, consisting of several Branches, we say, That, for the preserving the Peace and Safety of the Kingdom from the Designs of the Popish Party, we have and will still concur with all the just Desires of our People in a Parliamentary Way: That for the depriving of the Bishops of their Votes in Parliament, we would have you consider, that their Right is grounded upon the Fundamental Law of the Kingdom, and Constitution of Parliament. This we would have you consider; but since you desire our Concurrence herein, in a Parliamentary Way, we will give no further Answer at this Time.

As for the abridging of the inordinate Power of the Clergy; we conceive that the taking away the High-Commission Court hath well moderated that; but if there continue any Usurpations or Excesses in their Jurisdictions, we therein neither have nor will protect them.

Unto that Clause which concerneth Corruptions, as you style them, in Religion, in Church-Government, and in Discipline; and the removing of such unnecessary Ceremonies as weak Consciences might cheque at: That for any illegal Innovations, which may have crept in, we shall willingly concur in the Removal of them. That if our Parliament shall advise us to call a National Synod, which may duly examine such Ceremonies as give just Cause of Offence to any, we shall take it into Consideration, and apply ourself to give due Satisfaction therein; but we are very sorry to hear, in such general Terms, Corruption in Religion objected; since we are persuaded in our Conscience, that no Church can be found upon the Earth that professeth the true Religion with more Purity of Doctrine than the Church of England doth; nor where the Government and Discipline are jointly more beautified, and free from Superstition, than as they are

are here established by Law; which, by the Grace of An. 17. Car. I.
 God, we will with Constancy maintain, while we
 1641.
 live, in their Purity and Glory; not only against all
 Invasions of Popery, but also from the Irreverence
 of those many Schismatics and Separatists, where-
 with, of late, this Kingdom and this City abounds,
 to the great Dishonour and Hazard both of Church
 and State; for the Suppression of whom, we require
 your timely and active Assistance.
 December.

To the second Prayer of the Petition, concerning
 the Removal and Choice of Counsellors: We know
 not any of our Counsel to whom the Character, set
 forth in the Petition, can belong. That, by those
 whom we have exposed to Trial, we have already
 given you sufficient Testimony that there is no Man
 so near unto us in Place or Affection, whom we will
 not leave to the Justice of the Law, if you shall bring
 a particular Charge and sufficient Proofs against
 him; and of this we do again assure you: But, in
 the mean Time, we wish you to forbear such general
 Aspersions as may reflect upon all our Council, since
 you name none in particular.

That for the Choice of our Counsellors and Mini-
 sters of State: It were to debar us that natural Li-
 berty all Freemen have; and as it is the undoubted
 Right of the Crown of England, to call such Per-
 sons to our secret Councils, to public Employment,
 and our particular Service, as we shall think fit; so
 we are, and ever shall be, very careful to make Elec-
 tion of such Persons in those Places of Trust, as shall
 have given good Testimonies of their Abilities and In-
 tegrity, and against whom there can be no just Cause
 of Exception, whereon reasonably to ground a Diffi-
 dence; and to Choices of this Nature, we assure you
 that the Mediation of the nearest unto us hath always
 concurred.

To the third Prayer of your Petition, concerning
 Ireland: We understand your Desire of not aliena-
 ting the forfeited Lands thereof, to proceed from
 your much Care and Love, and likewise that it may
 be a Resolution very fit for us to take; but whether
 it be seasonable to declare Resolutions of that Nature
 before the Events of a War be seen, that we much
 doubt

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I doubt of. Howsoever, we cannot but thank you for this Care, and your chearful Engagement for the Suppression of that Rebellion; upon the speedy effecting whereof, the Glory of God in the Protestant Profession, the Safety of the British there, our Honour, and that of the Nation, so much depends; all the Interests of this Kingdom being so involved in that Business, we cannot but quicken your Affections therein, and shall desire you to frame your Counsels, and to give such Expedition to the Work, as the Nature thereof, and the Pressure in point of Time, requires; and whereof you are put in Mind by the daily Insolence and Increase of those Rebels.

For Conclusion, you promise to apply yourselves to such Courses as may support our Royal Estate with Honour and Plenty at home, and with Power and Reputation abroad: This is that which we have ever promised ourself, both from your Loyalties and Affections, and also for what we have already done, and shall daily go adding unto, for the Comfort and Happiness of our People.

His Majesty also, by the Advice of his Privy-Council, issued the following Declaration, address'd to all his loving Subjects.

And his Majesty's Declaration in Answer to the Remonstrance.

A Though we do not believe that our House of Commons intended, by their Remonstrance of the State of the Kingdom, to put us to any Apology, either for our past or present Actions: Notwithstanding, since they have thought it so very necessary, upon their Observation of the present Distempers, to publish the same, for the Satisfaction of all our loving Subjects, we thought it very suitable to the Duty of our Place, with which God hath trusted us, to do our Part to so good a Work; in which we shall not think it below our Kingly Dignity to descend to any Particular, which may compose and settle the Affections

¹ *Rushworth* has given the Commons Petition and Remonstrance, with the King's Answer to the former; but has omitted this Declaration, which was published at the same Time, in Reply to the Remonstrance of the Commons, by *Robert Barker*, Printer to the King's Most Excellent Majesty, and by the Assigns of *John Bill*,

sections of our meanest Subjects ; since we are so
conscious to ourself of such upright Intentions and
Endeavours, and only of such, for which we give
God Thanks, for the Peace and Happiness of our
Kingdom, in which the Prosperity of our Subjects
must be included, that we wish from our Heart,
that even our most secret Thoughts were pub-
lished to their View and Examination: Tho' we
must confess, we cannot but be very sorry in this
Conjuncture of Time, when the Unhappiness of
this Kingdom is so generally understood abroad,
there should be such a Necessity of publishing so
many Particulars ; from which, we pray, no In-
conveniences may ensue that were not intended.

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We shall, in few Words, pass over that Part
of the Narrative, wherein the Misfortunes of this
Kingdom, from our first entering to the Crown to
the Beginning of this Parliament, are remembered
in so sensible Expressions: And that other, which
acknowledgeth the many good Laws, passed by
our Grace and Favour, in this Parliament, for
the Security of our People ; of which we shall only
say thus much, That as we have not refused to
pass any Bill presented to us by our Parliament,
for Redress of those Grievances mentioned in the
Remonstrance, so we have not had a greater Mo-
tive for the passing those Laws than our own Reso-
lution, grounded upon our Observation and Un-
derstanding of the State of our Kingdom, to have
freed our Subjects, for the future, from those Pres-
sures which were grievous to them, if those Laws
had not been propounded ; which, therefore, we
shall as inviolably maintain, as we look to have
our own Rights preserved ; not doubting but all
our loving Subjects will look on those Remedies
with that full Gratitude and Affection, that even
the Memory of what they have formerly under-
gone by the Accidents and Necessities of those
Times, will not be unpleasant to them: And, pos-
sibly, in a pious Sense of God's Blessing upon this
Nation, how little Share soever we shall have of
the Acknowledgment, they will confess they have
enjoyed a great Measure of Happiness, even these
last

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last sixteen Years, both in Peace and Plenty; not only comparatively in respect of their Neighbours, but even of those Times which were justly accounted fortunate.

The Fears and Jealousies, which may make some Impression in the Minds of our People, we will suppose may be of two Sorts; either for Religion, or Liberty and their Civil Interests. The Fears for Religion may haply be, not only as ours here established may be invaded by the *Romish* Party, but as it is accompanied with some Ceremonies, at which some tender Consciences really are, or pretend to be, scandalized; for of any other which have been used without any legal Warrant or Injunction, and already are, or speedily may be abolished, we shall not speak.

Concerning Religion: As there may be any Suspicion of Favour or Inclination to the Papists, we are willing to declare to all the World, That as we have been, from our Childhood, brought up in, and practised the Religion now established in this Kingdom; so it is well known we have, not contented simply with the Principles of our Education, given a good Proportion of our Time and Pains to the Examination of the Grounds of this Religion, as it is different from that of *Rome*; and are, from our Soul, so fully satisfied and assured that it is the most pure and agreeable to the sacred Word of God, of any Religion now practised in the Christian World, that as we believe we can maintain the same by unanswerable Reasons, so we hope we should readily seal it by the Effusion of our Blood, if it pleased God to call us to that Sacrifice: And therefore nothing can be so acceptable unto us, as any Proposition which may contribute to the Advancement of it here, or the Propagation of it abroad, being the only Means to draw down a Blessing from God upon ourselves and this Nation. And we have been extremely unfortunate, if this Profession of ours be wanting to our People; our constant Practice in our own Person having always been, without Ostentation, as much to the Evidence of our Care and Duty herein

herein, as we could possibly tell how to express. An. 17. Car. I.

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For Differences amongst ourselves, for Matters indifferent in their own Nature, concerning Religion, we shall, in Tenderneſs to any Number of our loving Subjects, very willingly comply with the Advice of our Parliament, that ſome Law may be made for the Exemption of tender Conſciences from Punishment or Proſecution for ſuch Ceremonies, and in ſuch Caſes, which, by the Judgment of Men, are held to be Matters indifferent, and of ſome to be abſolutely unlawful; provided that this Eaſe be attempted and purſued with ſuch Modeſty, Temper, and Submiſſion, that, in the mean Time, the Peace and Quiet of the Kingdom be not diſturbed, the Decency and Comelineſs of God's Service diſcountenanced, nor the pious, ſober, and devout Actions of thoſe reverend Perſons who were the firſt Labourers in the bleſſed Reformation, or of that Time, be ſcandalized and deſamed: For we cannot, without Grief of Heart, and without ſome Tax upon ourſelf and our Miniſters for the not executing of our Laws, look upon the bold Licence of ſome Men, in printing of Pamphlets, in preaching and printing of Sermons, ſo full of Bitterneſs and Malice againſt the preſent Government and the Laws eſtabliſhed, ſo full of Sedition againſt ourſelf and the Peace of the Kingdom, that we are many Times amazed to conſider by what Eyes theſe Things are ſeen, and by what Ears they are heard; and therefore we have good Cauſe to command, as we have done, and hereby do, all our Judges and Miniſters of Juſtice, our Attorney and Sollicitor-General, and the reſt of our learned Counſel, to proceed with all Speed againſt ſuch and their Abettors; who, either by Writing or Words, have ſo boldly and maliciously violated the Laws, diſturbed the Peace of the Commonwealth, and, as much as in them lies, ſhaken the very Foundation upon which that Peace and Happineſs is founded and conſtituted. And we doubt not but all our loving Subjects will be very ſenſible that this buſy, virulent, Demeanor is a fit Prologue to nothing but

Con-

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‘ Confusion; and, if not very seasonably punished
 ‘ and prevented, will not only be a Blemish to that
 ‘ wholesome Accommodation we intend, but an un-
 ‘ speakable Scandal and Imputation even upon the
 ‘ Profession and Religion of this our Kingdom of
 ‘ *England*.

‘ Concerning the Civil Liberties and Interests of
 ‘ our Subjects, we shall need to say the less, having
 ‘ erected so many lasting Monuments of our prince-
 ‘ ly and fatherly Care of our People, in those many
 ‘ excellent Laws passed by us this Parliament; which,
 ‘ in Truth, with very much Content to ourself, we
 ‘ conceive to be so large and ample, that very
 ‘ many sober Men have very little left to wish for.

‘ We understand well the Right, and Pretences
 ‘ of Right, we departed from in the consenting to
 ‘ the Bills for the Triennial Parliament; for the
 ‘ Continuance of this present Parliament; and in
 ‘ the Preamble to the Bill of Tonnage and Pound-
 ‘ age; the Matter of which, having begot so many
 ‘ Disturbances in late Parliaments, we were wil-
 ‘ ling to remove, that no Interest of ours might
 ‘ hereafter break that Correspondence; abundantly
 ‘ contenting ourself with an Assurance, which we
 ‘ still have, that we should be repaired and supplied
 ‘ by a just Proportion of Confidence, Bounty, and
 ‘ Obedience of our People. In the Bills for the ta-
 ‘ king away the High-Commission and Star-Cham-
 ‘ ber Courts, we believed we had given that real
 ‘ Satisfaction, that all Jealousies and Apprehensions
 ‘ of arbitrary Pressures, under the Civil or Ecclesi-
 ‘ astical State, would easily have been abandoned;
 ‘ especially when they saw all possible Doubt secur’d
 ‘ by the Visitation of a Triennial Parliament.

‘ These, and others of no mean Consideration, we
 ‘ had rather should be valued in the Hearts and Af-
 ‘ fections of our People than in any Mention of our
 ‘ own; not doubting but, as we have taken all these
 ‘ Occasions to make our People happy, so they will
 ‘ always, in a grateful and dutiful Relation, be ready,
 ‘ with equal Tenderness and Alacrity, to advance
 ‘ our Rights and preserve our Honour, upon which
 ‘ their own Security and Subsistence so much de-
 ‘ pends,

pend. And we will be so careful that no Particular shall be presented unto us, for the compleating and establishing that Security, to which we will not, with the same Readiness contribute our best Assistance.

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If these Resolutions be the Effect of our present Counsels, (and we take God to witness that they are such, and that all our loving Subjects may confidently expect the Benefit of them from us) certainly no ill Design upon the Public can accompany such Resolutions; neither will there be greater Cause of Suspicion of any Persons preferred by us to Degrees of Honour, and Places of Trust and Employment, since this Parliament. And we must confess, that amongst our Misfortunes, we reckon it not the least, that having not retain'd in our Service, nor protect'd, any one Person against whom our Parliament hath excepted, during the whole Sitting of it; and having, in all that Time, scarce vouchsafed to any Man an Instance of our Grace and Favour, but to such who were under some eminent Character of Estimation amongst our People, there should so soon be any Misunderstanding or Jealousy of their Fidelity and Uprightness; especially in a Time when we take all Occasions to declare, That we conceive ourself only capable of being served by honest Men, and in honest Ways: However, if, in Truth, we have been mistaken in such our Election, the Particular shall be no sooner discovered to us, either by our own Observation or other certain Information, than we will leave them to public Justice, under the Marks of our Displeasure.

If, notwithstanding this, any malignant Party shall take Heart, and be willing to sacrifice the Peace and Happiness of their Country to their own sinister Ends and Ambitions, under what Pretence of Religion and Conscience soever; if they shall endeavour to lessen our Reputation and Interest, and to weaken our lawful Power and Authority with our good Subjects; if they shall go about, by discountenancing the present Laws, to loosen
the

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the Bands of Government, that all Disorder and Confusion may break in upon us, we doubt not but God, in his good Time, will discover them unto us; and the Wisdom and Courage of our High Court of Parliament join with us in their Suppression and Punishment.

Having now said all that we can, to express the Clearness and Uprightness of our Intentions to our People, and done all we can to manifest those Intentions, we cannot but confidently believe all our good Subjects will acknowledge our Part to be fully performed, both in Deeds past and present Resolutions, to do whatsoever, with Justice, may be required of us; and that their Quiet and Prosperity depends, now, wholly upon themselves, and is in their Power, by yielding all Obedience and due Reverence to the Law, which is the Inheritance of every Subject, and the only Security he can have for his Life, Liberty, or Estate; and the which being neglected or disesteemed, under what specious Shews soever, a great Measure of Infelicity, if not an irreparable Confusion, must, without Doubt, fall upon them: And, we doubt not, it will be the most acceptable Declaration a King can make to his Subjects, That, for our Part, we are resolved not only duly to observe the Laws ourself, but to maintain them against what Opposition soever, though with the Hazard of our Being.

And our Hope is, That not only the Loyalty and good Affections of all our loving Subjects will concur with us, in the constant preserving a good Understanding between us and our People; but at this Time their own and our Interest, and Compassion to the lamentable Condition of our poor Protestant Subjects in *Ireland*, will invite them to a fair Intelligence and Unity amongst themselves; so that we may, with one Heart, attend the relieving and recovering that unhappy Kingdom, where those barbarous Rebels practise such inhuman and unheard-of Outrages upon our miserable People, that no Christian Ear can hear without Horror, nor Story parallel. And as we look upon this as

the

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' the greatest Affliction it hath pleased God to lay, An: 17. Car: 1.
 ' upon us, so our Unhappinefs is increased, in that, 1641.
 ' by the Distempers at home, so early Remedies have
 ' not been applied to those growing Evils, as the
 ' Expectation and Necessity there requires; tho', for
 ' our Part, as we did, upon the first Notice, acquaint
 ' our Parliament of *Scotland*, where we then were,
 ' with that Rebellion, requiring their Aid and As-
 ' sistance, and gave like speedy Intimation and Re-
 ' commendation to our Parliament here; so, since
 ' our Return hither, we have been forward to all
 ' Things which have been proposed to us towards
 ' that Work; and have lately, ourself, offered, by a
 ' Message to our House of Peers, and communicated
 ' to our House of Commons, to take upon us the
 ' Care to raise, speedily, 10,000 *English* Volunteers
 ' for that Service, if the House of Commons shall de-
 ' clare that they will pay them; which Particulars
 ' we are in a Manner necessitated to publish, since we
 ' are inform'd that the Malice of some Persons hath
 ' whispered it abroad, That the no speedier advan-
 ' cing of this Business hath proceeded from some
 ' Want of Alacrity in us to this great Work; where-
 ' as we acknowledge it a high Crime against Al-
 ' mighty God, and inexcusable to our good Subjects
 ' of our three Kingdoms, if we did not, to the ut-
 ' most, employ all our Powers and Faculties to the
 ' speediest and most effectual Assistance and Protec-
 ' tion of that distressed People.

' And we shall now conjure all our good Subjects,
 ' of what Degree soever, by all the Bonds of Love,
 ' Duty, or Obedience, that are precious to good
 ' Men, to join with us for the Recovery of the Peace
 ' of that Kingdom, and the Preservation of the Peace
 ' of this; to remove all their Doubts and Fears
 ' which may interrupt their Affection to us, and all
 ' their Jealousies and Apprehensions which may
 ' lessen their Charity to each other; and then, if the
 ' Sins of this Nation have not prepared an inevitable
 ' Judgment for us all, God will yet make us a
 ' great and glorious King, over a free and happy
 ' People."

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Dec. 16. This Day the Committees appointed by both Houses, brought in the Form of a Protestation and a Petitional Remonstrance to the King, occasioned by his late Speech relating to the Press Act^a; which, being read, were agreed to, and ordered to be enter'd in their *Journals*. The first was in these Words :

The Protestation of both Houses on occasion of the King's Speech on the Bill for Pressing.

W Hereas his Most Excellent Majesty did, upon *Tuesday* last, in full Parliament, in a Speech to both Houses, take Notice of a Bill for impressing Soldiers, being in Agitation in the said Houses, and not agreed upon; and did offer a *Salvo Jure*, or provisional Clause, to be added to the said Bill; and did at the same Time declare his Displeasure against some Person or Persons, who had moved some Doubt or Question concerning the same: The Lords and Commons do protest and declare, That such his Majesty's Speech is contrary to the fundamental, antient, and undoubted Liberty and Privilege of Parliament; and that it doth of Right belong unto them, amongst other Privileges of the High Court of Parliament, that the King ought not to take Notice of any Matter in Agitation or Debate, in either of the Houses of Parliament, but by their Information or Agreement; and that his Majesty ought not to propound any Condition, Provision, or Limitation, to any Bill or Act, in Debate or Preparation, in either House of Parliament; or to manifest or declare his Consent or Dissent, Approbation or Dislike of the same, before it be presented unto him by the Consent of both Houses; and that every particular Member, of either House, hath free Liberty of Speech to propound or debate any Matter, according to the Order and Course of Parliament; and that his Majesty ought not to conceive Displeasure against any Man for such Opinions and Propositions as shall be delivered in such Debate; it belonging to the several Houses of Par-

^a The former of these is not in *Rushworth*.

Parliament respectively to judge and determine such Errors and Offences, in Words or Actions, as shall be committed by any of their Members, in handling or debating any Matters there depending.— And, for the Preservation of the said Privileges for the Time to come, they do ordain and appoint, That this their Protestation and Declaration shall be entered in both Houses; and that an humble Remonstrance and Petition shall be framed and presented to his Majesty, in the Name of both Houses, declaring this their antient and undoubted Right; humbly desiring his Majesty to observe and maintain the said Privileges; and that he will not take Notice of any particular Man's Speech or Carriage concerning any Matter in Treaty and Debate in Parliament, or conceive any Offence or Displeasure for the same; but that he will discover, declare, and make known, the Name or Names of the Person or Persons, by whose Misinformation, and evil Counsel, he was induced to the Breach of the Privilege of Parliament aforementioned^m.

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December 17. This Day the Lord Archbishop of York, with seventeen other Lords and forty Commons, waited on his Majesty, at *Whitehall*, with their Petitionary Remonstrance; which was read to him, in these Words:

To the KING's Most Excellent MAJESTY,

The HUMBLE REMONSTRANCE and PETITION
of the Lords and Commons in PARLIAMENT.

Most Gracious Sovereign,

YOUR Majesty's most humble and loyal Subjects, the Lords and Commons in Parliament, do, with all Faithfulness and Zeal to your Majesty's

Their Remonstrance and Petition on the same Subject,

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H

Majesty's

^m Lord Clarendon writes, That Mr. Solicitor *St. John* advised the King to come to the House upon this Occasion; and that what the King said were the very Words he had propos'd to him.

Vol. I. 2^{vo}. Ed. p. 327.

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‘ Majesty’s Service, acknowledge your Royal Favour and Protection to be a great Blessing and Security to them, for the enjoying and preserving of all those public and private Liberties and Privileges which belong unto them : And, whensoever those Liberties or Privileges shall be invaded or broken, they hold themselves bound, with Humility and Confidence, to trust to your Princely Justice for Redress and Satisfaction. And, because the Rights and Privileges of Parliament are the Birth-right and Inheritance, not only of themselves, but of the whole Kingdom, wherein every one of your Subjects is intitled, (the Maintenance and Preservation whereof doth very highly conduce to the Public Peace and Prosperity of your Majesty, and all your People) they conceive themselves more especially obliged, with all Tenderness and Care, yea, with all Earnestness and Constancy of Resolution and Endeavours, to maintain and defend the same.

‘ Amongst other the Privileges of Parliament, they do, with all dutiful Reverence to your most Excellent Majesty, declare, That it is their antient and undoubted Right, that your Majesty ought not to take Notice of any Matter in Agitation and Debate in either of the Houses of Parliament, but by their Information or Agreement ; and that your Majesty ought not to propound any Condition, Provision, or Limitation, to any Bill or Act in Debate or Preparation in either House of Parliament, or to manifest or declare your Consent or Dissent, Approbation or Dislike, of the same, before it be presented to your Majesty in due Course of Parliament ; and that every particular Member of either House hath free Liberty of Speech to propound or debate any Matter, according to the Order and Course of Parliament ; and that your Majesty ought not to conceive Displeasure against any Man for such Opinions and Propositions as shall be in such Debate ; it belonging to the several Houses of Parliament, respectively, to judge and determine such Errors and Offences, which

which, in Words or Actions, shall be committed An. 17. Car. 2.
 by any of their Members, in the handling or de- 1647.
 bating any Matters there depending. They do
 further declare, That all the Privileges above-men-
 tioned have been lately broken; to the great
 Grievance of your most humble and faithful Sub-
 jects, in that Speech which your Majesty made
 in Parliament to both Houses, on *Tuesday* last, the
 fourteenth Day of this instant Month of *December*,
 in that your Majesty did therein take Notice of a
 Bill for impressing of Soldiers, being in Agitation
 in the said Houses, and not agreed upon; and
 that your Majesty did therein offer a *Salvo Jure*, or
 provisional Clause, to be added to that Bill, before
 it was presented to your Majesty by the Consent of
 both Houses; and did, at the same Time, declare
 your Displeasure against such Person or Persons,
 as had moved some Doubt or Question concerning
 the same Bill: All which they do affirm and de-
 clare to be against the antient, lawful, and un-
 doubted Privilege and Liberty of Parliament.

And, further, they most humbly beseech your
 Majesty, by your Royal Power and Authority,
 to maintain and protect them in these and other
 the Privileges of your High Court of Parliament;
 that you will not, for the Time to come, break
 or interrupt the same; and that none of your loyal
 Subjects may suffer and sustain any Prejudice in
 your Majesty's Favour, or good Opinion, for any
 Thing done or spoken in Parliament: And, for
 the Reparation of your loyal Subjects in this just
 Grievance and Complaint for the Breaches of their
 Privileges above-mentioned, and Prevention of
 the like for the Time to come, that your Majesty
 will be pleased to declare, and make known, the
 Name or Names of the Person or Persons by
 whose Misinformation and evil Counsel your Ma-
 jesty was induced to the same, that so he or they
 may receive condign Punishment, as shall apper-
 tain to Justice in that Behalf. And this they
 most humbly desire, as your greatest and most

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‘ faithful Council; and advise your Majesty to per-
‘ form, as that which will be not only a Comfort to
‘ themselves, but likewise a great Advantage to
‘ your Majesty, by procuring and confirming such a
‘ Confidence and Unity betwixt your Majesty and
‘ your People, as may be a Foundation of Honour,
‘ Safety, and Happiness, to your Person, and your
‘ Throne, as they are bound always to pray for
‘ and endeavour ^m.’

After the Lords returned to their House, the Archbishop of *York* reported ‘ That they had waited on the King with the Remonstrance; and his Majesty said, *He would send an Answer to it, in Writing, in convenient Time.* But Mr. *Pymme*’s Report of it in the House of Commons was more particular: He said, ‘ That the Committee had a sudden Admittance and a gracious Acceptance: That his Majesty said, *As it had taken some Time to prepare, so he would take some Time to answer it; and that, lest there might be some Mistakes in Words, he would give his Answer in Writing.*

December 18. This Day the King, at the Request of both Houses, agreed to a Fast to be observed, as a Day of Humiliation for the Miseries of *Ireland*; on the 22d, by the Lords and Commons; the 23d for the City of *London*; and that Day Month for the whole Kingdom. The Lord Archbishop of *York* ⁿ, and the Lord-Primate of *Ireland* ^o were ordered to preach before the Lords; and Mr. *Calamy* and Mr. *Marshall* before the Commons.

A Message was brought from the Lower House, by Mr. *Arthur Goodwin*, to accuse *Daniel O’Neal*, Esq; of High Treason; and that the Commons would bring up particular Articles against him in due

^m *Whistocke* observes, ‘ That indifferent Men wondered both at the King’s Speech, which gave the Cause of Exception, and was, indeed, notoriously against the Course and Privilege of Parliament, that his Council should not inform him thereof: And they also apprehended this Petition somewhat too rough in the Expressions of it to their King. *Memorials*, p. 48.

ⁿ Dr. *John Williams*. • Dr. *James Usher*.

due Time; upon which the said O'Neal was brought to the Bar of the Lords, and was committed to the Gatehouse.

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The Attorney-General was heard, in the King's Behalf, on the Press-Act; after which it was ordered by the Lords, That the Debate on that Bill should be on Monday next: But this was diverted by a Committee of Lords and Commons being ordered to attend the King, at Whitehall, that Day, to receive his Majesty's Answer to the late Remonstrance; which was soon after read in the House of Lords, *in hæc Verba* P:

My Lords and Gentlemen,

IN Answer to your Petition, concerning our Speech to both Houses, the 14th Day of December last, The King's Answer thereto.
We do declare, first, That we had no Thought or Intention of breaking the Privileges of Parliament; neither are we satisfied, that our being informed of any Bill transmitted by the House of Commons to the House of Peers, especially where our learned Counsel are admitted, by the Peers, to speak on our Behalf, as they were in this Case, and therefore our Direction necessary therein, can be judged any Breach of the Privileges of Parliament.

And as to our taking Notice thereof, and desiring the Insertion of a saving Clause of our Rights, we neither willingly nor knowingly did any Thing to the Breach of the Privileges of Parliament; but what we did therein was out of the great Zeal we had, and ever shall have, to the Suppressing the Rebellion in Ireland, the quick Dispatch of which Bill contributed so much to the effecting thereof; and it could not but have received great Delay, had it passed both Houses in a Way we could not have given our Royal Assent to.

Neither had we any Intention to express our Displeasure against any particular Man, for any Opinion or Propositions delivered, by way of Debate, in either

H 3 House;

P From the Lords Journals: This Answer is not in Rushworth.

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House; for our Intention was to express a general Dislike of any Questions, that should be raised, especially at this Time, concerning our Prerogative and the Liberty of the Subject; such as this is being but a Preamble, which might be left out, without Prejudice to the Claim, and could not be approved by us, without concluding our Right.

As to the last Demand, That we should declare the Persons that gave us Information; it is no great Wonder that we should get Information of the Contents of the Bill, since they were published in Print before we spoke of them. Yet, tho' we should have got Notice otherwise, it is a Thing much beneath us to name any that should give us Information or Counsel; it being that which we do not impose upon any Person of Honour.

Our Conclusion is, That we had not the least Thought of breaking the Privileges of Parliament; but shall, by our Royal Authority, ever protect and uphold them; and we expect, that you will be as careful not to trench upon our just Prerogative, as we will not infringe your just Liberties and Privileges; and then there will be little Disagreement, hereafter, between us in that Point.

This being read to the House, the Lords first ordered, 'That a Transcript of the King's Answer should be sent down to the Commons; and that it should be taken into Consideration, by themselves, on Thursday the 23d.'

Farther Proceedings towards suppressing the Rebellion in Ireland.

December 21. The Irish Affairs being still very pressing, and no Redress yet had; the two Houses of Parliament seemed to blame each other for the Neglect. This Day Sir Philip Stapylton was sent up with a Message to the Lords, importing, 'That the Commons had, in the last Conference, laid before their Lordships the miserable State of that Kingdom, and desired them to take the Business into speedy Consideration: That they now understand that Dublin is in great Danger to be lost, 600 Men being cut off by the Rebels in going to relieve Tredagh, the Commons therefore desire that all Means may be used for the Preservation of that King-

Kingdom; and they conceive the best Way to do it is, by way of Diversion, to send the *Scots* into the Province of *Ulster*, speedily: Therefore that House desired their Lordships to join with them in the Propositions received from the *Scots* Commissioners for that Purpose: The Commons declaring, That, if there be any Omission, they desire to clear themselves from any thing that may fall on *Ireland*."

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Upon this the Lords voted, That 10,000 *English* Soldiers were necessary to be sent, with as many *Scots*, into *Ireland*; but mistrusting that the Commons would not agree to this, at a Conference this Day, the Lords made the following Propositions to the other House:

1. 'They desired to know what Certainty that House would give this, that if the Proposition concerning the present going of 10,000 *Scots*, be agreed unto, 10,000 *English* may speedily follow.

2. 'Whether they would concur with this House, that one Army should go as soon as the other; and that the King may be moved to give his Assent to it.'

The House of Commons taking these Propositions into Consideration, at another Conference the same Day, returned for Answer,

1. 'For the Certainty which their Lordships desire of sending 10,000 *English* into *Ireland*, the Commons say, It is not the Course of Parliament, nor hath been practised, for one House to capitulate with the other: That their Actions are free; as without Conditions, so without Capitulation; and the House of Commons desire it may be so no more.

2. 'The House of Commons think they have given sufficient Certainty already, having formerly voted the sending over 10,000 *English*, and transmitted the same to their Lordships; therefore they think it not necessary to vote it again: But do desire their Lordships would vote the sending of 10,000 *Scots* over, by itself, without any Relation to the *English*, and that speedily, the Safety of *Ireland* depending upon it; for they conceive the 10,000 *English* cannot go untill the Pres. Act passes.'

After

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10,000 *English*
and 10,000 *Scots*
voted to be sent
over for that
Purpose.

After the hearing of this, the Lords went into a Debate of the Matter, and came to this Resolution, *Nem. Con.* 'That 10,000 *English* and 10,000 *Scots* shall be sent into *Ireland*;' and some Members of the other House waiting in the *Painted-Chamber* for an Answer, the Lords sent to acquaint them with this Vote. It was likewise ordered by the Lords, 'That the Committee for keeping a good Correspondency between both Houses, should meet on *Friday* next, to take into Consideration this last Message from the Commons.—Both Houses adjourned to the 23d, on account of the Fast-Day.

The Commons
desire the Lords
to join in a Pe-
tition for remo-
ving the Lieute-
nant of the
Tower;

December 23. Some other Affairs, relating to the *Scots* Commissioners, were transacted, not very material; but, on this Day, another Matter happened, which occasioned a fresh Rupture between the two Houses. The House of Commons represented to the Lords, that they had received Information that Sir *William Balfour*, Knt. Lieutenant of the *Tower of London*, approved for his Fidelity⁹, was put out of his Place, and one Colonel *Lunsford* put in; a Man very unfit to be trusted with a Post of that Importance.

Which the Lords
refuse.

To back this, the Commons sent up a Petition from divers Common-Council-Men and others of the City, giving a very bad Character of the said Colonel, and of which they instanced some Circumstances: That he was a Man of decayed and desperate Fortune; an Outlaw; and one suspected to be not right in his Religion, since, in the Time he was an Officer in the King's Army in the North, he did not go to Church, though desired: Therefore they requested the Lords to join with them in a Petition to the King, to remove him, and put Sir *John Coniers* in his Room. After a long Debate, next Day, on this Affair, the Question was put, Whether that House should join with the Commons in the Matter of this Petition? It was resolved in the Negative; and order'd that they should be acquainted therewith.

The

⁹ In the Case of the Earl of *Stafford's* intended Escape. See Vol. IX.

The Reason of the Lords refusing to join in this Petition, was, That they took the placing or displacing of the King's Officers to be a Branch of his Prerogative; and therefore they would not meddle with it.

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The House of Commons, on this Refusal, passed the following Vote: Resolved, *Nem. Con.* 'That this House holds Colonel *Lunsford* unfit to be, or continue, Lieutenant of the *Tower*, as being a Person whom the Commons of *England* cannot confide in.' Another Conference was also held upon this Subject, which was thus reported by the Lord-Keeper, 'That the House of Commons greatly desired, that both Houses might have joined together in an humble Petition to his Majesty, for removing Colonel *Lunsford* from being Lieutenant of the *Tower of London*: That they say, they find ill Consequences already by his being in that Office; for Merchants have already withdrawn their Bullion out of the Mint; and Strangers, who have Ships lately come with great Store of Bullion, do forbear to bring it into the Mint, because he is Lieutenant of the *Tower*; and, by this Means, Money will be scarce to come by, which will be prejudicial and obstructive to the pressing Affairs of *Ireland*: That the House of Commons took it much to Heart, that their Lordships did not join with them to petition his Majesty; whereupon they have made a Declaration for themselves, and desire that the same may be entered into the Journal-Book of this House, as they have done the like in their House; which was read in these Words:'

'WE the Knights, Citizens, and Burgeses of the Commons House of Parliament, being very sensible of the great and imminent Danger of the Kingdom, through the Designs of the Papists, and other Persons disaffected to the public Peace; and finding, by frequent and imminent Symptoms, that the same groweth very near to Maturity, amongst which we reckon this not to be the least, That the *Tower*, being a Place

The Declaration
of the Commons
thereupon.

of

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of such Importance to the Safety of the City and the whole Kingdom, should be put into the Hands of a Man so unworthy, and of so dangerous a Disposition, as, by divers Testimonies, Colonel *Lunsford* is affirmed to be; which caused us Yesterday, upon the Petition of the City of *London*, to desire your Lordships to join with us in an humble Suit to his Majesty, that a Place of that great Consequence might not be disposed in such a Manner as to hazard the Safety, Peace, and Content of the City and of the whole Kingdom; and, perceiving that your Lordships have refused to join with us in so important and necessary a Request, do hereby declare, before God and the whole Kingdom, That, from the Beginning of this Parliament, we have done our uttermost to preserve the State from Ruin; and having, thro' God's Blessing, prevailed so far, that the Design of the *Irish* Army of Papists; the other Designs of bringing up the *English* Army, several Times attempted; a former Plot of possessing the *Tower*, without which Treason could not be so mischievous to the State, were all prevented; although strongly bent to the Destruction of Religion, the Parliament and the Commonwealth: We do now find ourselves encountered with as great Difficulty as ever, the Papists Rebellion in *Ireland* giving such Encouragement to the malignant Party here, and they likewise receiving such Advantage, by the Delays and Interruptions which we have received in the House of Peers, as we conceive, by the great Number of Bishops and Papists, notoriously disaffected to the Common Good: And do therefore hold ourselves bound in Conscience to declare and protest, That we are innocent of the Blood which is like to be spilt, and of the Confusions which may overwhelm this State, if this Person be continued in his Charge; and do intend to resort to his Majesty, in an humble Petition, that he will be pleased to afford us his Royal Protection, that the Kingdom and ourselves may be preserved from this wicked and dangerous Design; and

‘ and that he will grant such Commissions and In-
 ‘ structions as may enable us to defend his Royal
 ‘ Person, and his loyal Subjects, from the Cruelty
 ‘ and Rage of the Papists, who have long plotted
 ‘ and endeavoured to bring in a bloody Change of
 ‘ Religion, to the apparent Ruin of the whole
 ‘ Kingdom; and if any of your Lordships have the
 ‘ same Apprehensions that we have, we hope they
 ‘ will likewise take some Course to make the same
 ‘ known to his Majesty; and will further do what
 ‘ appertains to Persons of Honour and Fidelity for
 ‘ the Common Good.’

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After the reading of this Paper it was moved, by
 some Lords, to adjourn the Debate of this Matter
 till *Monday* the 27th; others proposed it might be
 debated presently. And the Question being put,
 Whether the Debate upon this Report shall be put
 off untill *Monday* next, or not? it was resolved in
 the Affirmative. Whereupon the following Pro-
 test was entered in their *Journals*:

‘ **I**N respect the Conference brought up, and re-
 ‘ ported from the House of Commons, doth,
 ‘ as it is thereby declared, concern the instant Good
 ‘ and Safety of the King and Kingdoms; We do
 ‘ protest against the deferring of the Debate thereof
 ‘ untill *Monday*, to the end we may discharge our-
 ‘ selves of any ill Consequence that may happen.

A Protest of some
 Peers on that
 Occasion.

NORTHUMBERLAND,	HOLLAND,
Lord Admiral,	CLARE,
ESSEX, Lord Chamber-	STAMFORD,
lain,	WHARTON,
PEMBROKE,	ST. JOHN,
BEDFORD,	SPENCER,
WARWICK,	NORTH,
BOLINGBROKE,	KYMBOLTON,
NEWPORT,	BROOK,
SAY and SELE,	GREY de Werke,
SUFFOLK,	ROBERTS,
CARLISLE,	HOWARD de Escrick.

Both

An. 17. Car. I. Both Houses, on account of *Christmas*, adjourned
 1641. for two Days, being the last Time that Festival
 was observed at all by this Parliament.

December.

Complaint concerning a Report of some Members being in a Plot for seizing the Queen and her Children.

December 27. This Day another Affair was started in the House of Lords. Information was given to that House, that some Members of both Houses have had false Rumours reported of them : That during the Time the King was last in *Scotland*, it was told the Queen, That, at a Meeting at *Kensington*, (where the Earl of *Essex*, the Earl of *Newport*, the Lord Viscount *Say* and *Sele*, the Lord *Mandeville*, the Lord *Wharton*, Members of this House ; and the Lord *Dungarvon*, Mr. *Nathaniel Fiennes*, Sir *John Clotworthy*, and Mr. *John Pymme*, Members of the House of Commons, were present) upon a Discourse of Plots that should be done in this Kingdom or in *Scotland*, the Earl of *Newpart* should say, *If there be such a Plot, yet here are his Wife and Children* ; meaning that the Persons of the Queen and her Children should be seized upon.

Upon this the Earl of *Newport* stood up, and gave the House this Account, That, hearing of such an Information which had been presented to the Queen, he went with some other Lords and waited on her Majesty ; and, with many Protestations, assured her, That never any such Words were spoken, nor the least Thought thereof conceived of any such Fact ; with which the Queen seemed to rest satisfied : But, upon *Friday* last, his Majesty asked him, *Whether he heard any Debate at Kensington, about seizing upon the Queen and her Children* ; which the Earl denying, his Majesty replied, *That he was sorry for his Lordship's ill Memory.*

The House considering this Information to be of Consequence ; and, because several Members of the Commons were concerned in it, resolved to have a Conference with that House about it ; that so they might search into this Business, and that the Bottom of it might be found out, and the Reporter of this false Rumour brought to condign Punishment.

Punishment: And the Lord Archbishop of York, Ad. 27. Car. 1.
the Lord-Admiral, Earl of Bristol, Earl of Holland, 1641.
Lord Roberts, and Lord Savil, were ordered to
draw up Heads for that Conference, December.

December 28. Mr. Glynne presented from the Committee appointed to draw up a Petition to be presented to his Majesty, concerning a Scandal laid upon some Members of both Houses, the following, which was agreed to.

To the KING's Most Excellent Majesty,
The HUMBLE PETITION of the LORDS and COMMONS in this present Parliament assembled.

Whereas, during the Time of your Majesty's last being in Scotland, the Queen's both Houses
Majesty received Information, That, at a Meeting thereupon.
ing in Kensington, where the Earl of Essex, the
Earl of Newport, the Lord Viscount Say and Sele,
the Lord Mandeville, the Lord Wharton, Mem-
bers of the Lords House; the Lord Dungarvon,
Mr. Nathaniel Fiennes, Sir John Clotworthy, and
Mr. John Pymme, Members of the House of Com-
mons, were all present, when in Discourse of some
Plots that should be done in this Kingdom, or
in Scotland, the Earl of Newport should say, *If
there be such a Plot, yet here are his Wife and
Children;* insinuating the same to signify, that
the Persons of her Majesty, and her Children,
should be seized upon:

And whereas your Majesty, upon Friday last,
was pleased to demand of the Earl of Newport,
Whether his Lordship heard any Debate at Ken-
sington, about seizing upon the Queen and her
Children; which when his Lordship had denied,
with many and deep Asseverations, your Majesty
replied, *That he was to tell your Majesty no more
than you knew already; and therefore should con-
sider well what he should answer:* And his Lord-
ship denying it the second Time, your Majesty,
parting from him, replied, *You were sorry for his
ill*

As. 17. Car. I. *ill Memory*; seeming thereby to give Credit to
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that Information.

Which Information and Report tend not only to the great Scandal of the Members of both Houses of Parliament before-named, but express an Endeavour to stir up Jealousies, and work a Division, between your Majesty and your Parliament.

It is therefore the humble and instant Desire of the Lords and Commons in this Parliament, That your Majesty will be pleased to declare who was the Reporter, or Reporters, of those Words pretended to be spoken at *Kensington* by the Earl of *Newport*; and that your Majesty will be likewise pleased to move her Majesty to discover who acquainted her therewith: And this, as your greatest and most faithful Council, they advise your Majesty to perform; the Exigency of the Affairs of both Kingdoms being such as necessarily require a sudden Remedy; which cannot expect any Possibility of Success, without a right Understanding between your Majesty and the Parliament: The only Way of effecting whereof is; by the present Discovery and Removal of ill Counsels and false Informers; which, to our great Grief, we have, by Experience, found to be too frequent and active in these dangerous Times.

This Petition having been presented to the King, his Majesty returned the following Answer:

My Lords and Gentlemen,

The King's Answer.

IT is true that I have heard Rumours of some Propositions that should have been made at Kensington, for the seizing of the Persons of my Wife and Children. And, in Things of so high a Nature, it may be fit for any Prince to inquire, even where he hath no Belief nor Persuasion of the Thing; so I have asked Newport some Questions concerning that Business, but far from that Way of expressing a Belief of the Thing, which Newport hath had the Boldness and Confidence to affirm; which I could easily make appear, but I think it beneath me to contest with any particular Person.

Person. But let this suffice, That I assure you, I neither did nor do give Credit to any such Rumour. As for telling the Name of him who informed me, I do stick to the Answer which I gave to your last Petition upon the like Particular.

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Multitudes of People being this Day assembled, in all the Places leading to both Houses of Parliament, the general Cry of whom was, *No Bishops*, *No Bishops*; a Fray ensued, in which some Gentlemen, of the opposite Party, drew their Swords, and wounded some of the Mob: Hereupon the Lords sent to desire a Conference with the other House on these Heads;

1st, To desire the House of Commons to join with them in a Declaration, to be printed and published, of their Dislike of the assembling of the People in such Companies and Disorders about the Houses of Parliament.

2^{dly}, Likewise to desire his Majesty, That the Houses of Parliament may have a Guard; and that the Commons would give an Answer with such Speed as the Necessity of the Occasion required.

This Day, also, it was resolved by the Lords, upon the Question, 'That this Parliament is a free Parliament at this present.'

December 29. The Lords began again with the Business of the Tumults, and ordered the Sheriffs of London and Middlesex, and some of the Justices of Peace for Westminster, to attend their House, and give Reasons why they had neglected to prevent the Coming of the Concourse of People to that Place; and why they have neglected to observe the King's Writ, for suppressing and preventing of Tumults and Riots. They answered, 'That the Justices

of
Lord Clarendon writes, 'That upon the Receipt of this Message in the House of Commons, some Members urged, 'That they must not discourage their Friends, this being a Time they must make use of all Friends; Mr. Pymme himself saying, 'God forbid the House of Commons should proceed in any Way to dishearten People to obtain their just Desires in such a Way.'

Vol. I. 846. Edit. p. 335.

An. 17. Car. I. of the Peace opened the Writ, and granted out
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Warrants to the Constables, who sent Guards to the Houses of Parliament; and, upon this, they were questioned by the House of Commons, and the Guards dismissed. Hereupon the Judges were ordered to withdraw, to consider what was fit to be done; who returned for Answer, 'That the best Way to suppress Tumults, was to put in Execution the Statute of 13. Henry IV. Cap. 7.' This not being thought sufficient, they were again asked, What was the usual Practice, in other Courts, to prevent Tumults and Routs? The Judges said, 'That it was usual in their Courts, at Assizes, to prevent such Disorders, for the Sheriff of the County to attend all the while, with a competent Number of Men.' Upon which the Lords ordered, 'That the Under-sheriff of *Middlesex*, and two of the Justices of Peace for *Westminster*, should hereafter attend that House, *de Die in Diem*, and receive Directions from them for the suppressing of such Tumults.'

In a Debate in the House of Commons this Day, on these riotous Proceedings, we meet with a Speech of one Mr. Smith, in these Words :

Mr. Speaker,

Mr. Smith's
Speech in the
House of Com-
mons on this
Occasion.

'THE Business we have now in Agitation (concerning the *Irish* Affairs, and the Treaty with the *Scots* Commissioners for their timely Assistance of Aid; being to be determined this Day) is of great Consequence and Weight; even of such Importance; that I have not read of greater. When the greatest Troubles were in that Kingdom, in Queen *Elizabeth's* Reign, of good Memory, these Troubles, being comparatively simlized with them, are of far greater Danger: And I would to God we might so agree with the Lords, that a speedy Concurrence might be had with the *Scots*, towards the Relief of *Ireland*.

'Yet

* From the original Edition, printed by *Abel Roper*, 1641. It is neither in *Rushworth* or *Nelson*. There being seven Members of the Name of *Smith*, we cannot distinguish which of them spoke on this Occasion.

‘ Yet notwithstanding, Mr. Speaker, the Great-
ness of this Rebellion, and most outrageous Cruel-
ties committed daily by the Rebels, hazarding near-
ly the Loss of that Kingdom, without speedy Help,
(which takes up all our Debates and Arguments) if
we remove not therewith all such Impediments
here at home, as do hinder our speedy Proceeding,
not only in that Business, but in the settling of the
Peace and Quiet of this Kingdom, all our Endeavours
in the suppressing the Rebels in *Ireland* will
little avail.

‘ Mr. Speaker, under Favour of this Honourable
Assembly, I intend to give you a Touch of such
Lets which do much hinder us, as I conceive, in
expediting the great Affairs of Church and State,
and our Proceedings against Incendiaries and De-
linquents in the same.

‘ We have daily, you know, Mr. Speaker, re-
ceived Petitions from the Citizens of *London*, some
of them having been delivered by good Hands, and
Men of good Worth and Quality ; which we have
willingly taken, and I doubt not but we shall, in
due Time, give them good Satisfaction in answer-
ing of them.

‘ Likewise we have received Petitions from abrupt
and disorderly Persons, without any Matter that
may deserve our Consideration ; but are fitter to be
rejected, as I, under Favour, conceive.

‘ But, Mr. Speaker, that which I intend to in-
timate to you, as the greatest Stop to our Proceed-
ings, is the riotous and tumultuous Assembly of vain
and idle Persons ; who presume to begirt our House,
not only in an irregular Manner to prefer their Pe-
titions, but, with open Clamour, would prescribe us
what Laws to enact, and what not ; what Persons
to prosecute, and who not.

‘ These tumultuous Persons, Mr. Speaker, take
up a great deal of our precious Time in answering
and appeasing them ; when, as I conceive, other
Business, more nearly concerning the Welfare and
Security of his Sacred Majesty and his Kingdoms,

An. 17. Car. I. lies even as it were gasping, and ready to perish
 1641. for want of our timely Assistance.

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‘ Mr. Speaker, our Patience, I persuade myself, is one of the greatest Causes that animates and encourages these illegal Outrages; and if some Rebukes were ministred from the House to them, they would not, surely, be so audacious.

‘ It is true, Mr. Speaker, I confess, that their Trading is decayed, and it is hard for many of them to subsist with their Families, occasioned by our slow Proceedings against Delinquents; the Reason whereof they are incapable of judging, neither, as I conceive, should they be made acquainted with, otherwise than to understand that their unseasonable and unfitting Repair to this House is one principal Cause thereof.

‘ Therefore, Sir, I conceive, the best and speediest Means for suppressing of these Tumults will be, to have a strict Guard kept about the House, with a Command not only, by Persuasion, to avert their Resort hither, but to shoot at them, if they obstinately refuse to be persuaded; and likewise that, in the City of *London* and Suburbs, diligent Search may be made for Papists and Recusants, by some trusty Officers appointed by the House for that Purpose, who shall apprehend them, if they find them armed with any Weapons, and bring them before a Committee, for Examination, appointed for that Purpose: For, Mr. Speaker, Papists, as well as others, resort hither from several Places, as I am informed; which these tumultuous Persons pretend is one great Cause of their meeting here; and when they perceive that Papists and Recusants are prosecuted according to the Laws of this Kingdom, in that Case enacted, they will have less Cause to trouble us. This is my humble Motion.

‘ And truly, Sir, if I may speak my Mind herein, I persuade myself that, unless the Laws be put in Execution, and that with Severity and Speed, against some of the greatest Recusants, to make them exemplary to the rest, neither this City, nor other
 Places

Places of this Kingdom, can be secure from their Devilish Practices and Plots ; and that our too favourable Proceeding against them, if so continued, may cause our too late Repentance, if any of their perverse and wicked Stratagems should take Effect, which God forbid. And I heartily wish that such Course may be taken, by the Blessing of the Almighty on our Endeavours, that all the Inhabitants of his Majesty's Kingdoms, that are true Christians and loyal Subjects, may for ever lye down in Peace and rise in Safety, to which I shall always say *Amen.*'

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We find also a Speech of Bishop *Hall's*, about this Time, in the House of Lords, but the Day is not mentioned. This Speech is the last made in that House, by one of his Order ^a.

My Lords,

I Have long held my Peace, and meant to have done so still ; but now, like to *Cræsus's* mute Son, I must break Silence: I humbly beseech your Lordships to give me Leave to take this too just Occasion to move your Lordships to take into your deep and serious Consideration, the woful and lamentable Condition of the poor Church of *England*, your dear Mother. My Lords, this was not wont to be her Style : We have heretofore talk'd of the famous and flourishing Church of *England* ; but now your Lordships must give me Leave to say, that the poor Church of *England* humbly prostrates herself at your Lordships Feet, (next after his Sacred Majesty) and humbly craves your Compassion and present Aid.

Bp. Hall's
Speech in Defence of the
Church and
Clergy.

' My Lords, it is a foul and dangerous Insolence this, which is now complained of to you ; but it is but one of a hundred of those which have been of late done to this Church and Government.

' The Church of *England*, as your Lordships cannot chuse but know, hath been, and is miserably infested on both Sides ; with Papists on the one

I 2.

Side,

^a From the Edition of his Works, in *Folio*, 1683.

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Side, and Schismatics on the other. The *Psalmist* hath, of old, distinguish'd the Enemies of it into wild Boars out of the Wood, and little Foxes out of the Boroughs; the one whereof goes about to root up the very Foundations of Religion; the other, to crop the Branches, and Blossoms, and Clusters thereof; both of them conspire the utter Ruin and Devastation of it: As for the former of them, I do perceive a great deal of good Zeal for the Remedy and Suppression of them; and I do heartily congratulate it, and bless God for it, and beseech him to prosper it in those Hands who shall undertake and prosecute it; but for the other, give me Leave to say, I do not find many that are sensible of the Danger of it, which yet, in my Apprehension, is very great and apparent.

'Alas! my Lords, I beseech you to consider what it is that there should be in *London*, and the Suburbs and Liberties, no fewer than fourscore Congregations of several Sectaries, as I have been too credibly informed, instructed by Guides fit for them, Cobblers, Taylors, Felt-makers, and such-like Trash, which are all taught to spit in the Face of their Mother, the Church of *England*, and to defy and revile her Government: From hence have issued those dangerous Assaults of our Church-Governors; from hence that Inundation of base and scurrilous Libels and Pamphlets, wherewith we have been of late over-borne, in which Papists and Prelates, like Oxen in a Yoke, are still match'd together. Oh! my Lords, I beseech you that you will be sensible of this great Indignity: Do but look upon these Reverend Persons: Do not your Lordships see here sitting upon these Benches, those that have spent their Time, their Strength, their Bodies, and Lives, in preaching down, in writing down, Popery? And which would be ready, if Occasion offer'd, to sacrifice all their old Blood that remains, to the Maintenance of that Truth of God, which they have taught and written; and shall we be thus despitefully ranged with them, whom we do thus professedly oppose? But, alas! this is but one
of

of those many scandalous Aspersions, and intolerable Affronts, that are daily cast upon us. An. 17. Car. I. 1641.

‘ Now, whither should we, in this Case, have Recourse for a needful and seasonable Redress? The Arm of the Church is, alas ! now short and sinewless ; it is the interposing of your Authority that must rescue us : You are the eldest Sons of your dear Mother the Church, and therefore most fit and most able to vindicate her Wrongs : You are *Amici Sponsæ* ; give me Leave, therefore, in the Bowels of *Christ*, humbly to beseech your Lordships to be tenderly sensible of these woful and dangerous Conditions of the Times ; and if the Government of the Church of *England* be unlawful and unfit, abandon and disclaim it ; but, if otherwise, uphold and maintain it : Otherwise, if these lawless Outrages be yet suffered to gather Head, who knows where they will end !

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‘ My Lords, if these Men may, with Impunity and Freedom, thus bear down Ecclesiastical Authority, it is to be feared they will not rest there, but will be ready to affront Civil Power too. Your Lordships know, that the *Jack Straws*, and *Cades*, and *Wat Tylers* of former Times, did not more cry down Learning than Nobility ; and those of your Lordships that have read the History of the Anabaptistical Tumults at *Munster*, will need no other Item ; let it be enough to say, that many of these Sectaries are of the same Profession.

‘ Shortly, therefore, let me humbly move your Lordships to take these Dangers and Miseries of this poor Church deeply to Heart ; and, upon this Occasion, to give Order for the speedy redressing of these horrible Insolencies, and for the stopping of that Deluge of libellous Invectives wherewith we are thus impetuously overflown : Which, in all due Submission, I humbly present to your Lordships wise and religious Consideration.’

In another Place, the same Prelate gives us the following Account of the before-mentioned Tumults.

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His Account of
the Tumults :

mults^r. ' The Rout did not stick openly to profess, That they would pull the Bishops in Pieces; Messages were sent down to them from the Lords; but they still held firm, both to the Place and their bloody Resolutions. It now grew to be Torch-Light, and one of the Lords (the Marquis of *Hertford*) came up to the Bishops Form, and told us we were in great Danger, advising us to take some Course for our own Safety; and, being desired to tell us what he thought the best Way, counselled us to continue in the Parliament House all that Night; ' For, said he, these People vow they will watch ' you at your going out, and will search every ' Coach for you with Torches, so as you cannot ' escape.' Hereupon the House of Lords was moved for some Order for the preventing these mutinous and riotous Meetings, and Messages were sent down to the House of Commons, to this Purpose, more than once; but nothing was effected: However, for the present, (for so much as all the Danger was at the Rising of the House) it was earnestly desired of the Lords that some Care might be taken of our Safety. The Motion was received by some Lords with a Smile; some other Lords, as the Earl of *Manchester*, undertook the Protection of the Archbishop of *York*, and his Company, (whose Shelter I went under) to their Lodgings; the rest, some of them by their long Stay, others by secret and far-fetch'd Passages, escaped home: Therefore it was not for us to venture any more to the House without some better Assurance.'

Lord *Clarendon* adds, ' That the Mob laid Hands on the Archbishop of *York*, going to the House of Peers, in that Manner, that if he had not been seasonably rescued, it was believed they would have murdered him: So that all the Bishops, and many Members of both Houses, withdrew

^r In a small Tract, intituled, *Hard Measure*, printed in his Works.

^p *History of the Rebellion*, p. 338.

drew themselves from attending, from a real Ap-^{An. 17. Car. I.}prehension of endangering their Lives ^{1641.}†.

December;

The same Day, Dec. 29, the Lord Chamberlain, by Command, delivered this Message from the King,

‘ That his Majesty being very sensible of the great ^{The King’s Mes-}
‘ Miseries and Distresses of his Subjects in *Ireland*, ^{sage for raising}
‘ which daily increased so fast, and the Blood which ^{Volunteers, for}
‘ had already been spilt, by the Cruelty and Barba- ^{suppressing the}
‘ rousness of the bloody Rebels, crying so loud ; ^{Irish Rebellion.}
‘ and perceiving how slowly the Succours, design-
‘ ed there, go on, his Majesty thought good to let
‘ their Lordships know, and desired them to acquaint
‘ the House of Commons therewith, That he would
‘ take Care that, by Commission, which he would
‘ grant, 10,000 *English* Volunteers should be speedily raised for that Service, if the House of Commons will declare that they would pay them.’

This Message the Lords ordered to be delivered to the Commons, at a Conference ; but we find no more Notice taken of it at this Time.

Instead of that, there came up a Message from the Commons, by Mr. *Holles*, as an Answer to the late Propositions from the Lords concerning a Guard, ‘ That they would agree with their Lordships, in all good and lawful Means, for the Safety of the Parliament ; but, for printing a particular Declaration, the Commons said, they had entered into Debate thereof, and found it to be a Thing of great Consideration, and would require Time to think of it. As concerning a Guard ; that House agreed to it, provided it be such as the Parliament did approve of, and that it be commanded by the Earl of *Essex*.

‘ Further, the House of Commons desired that their Lordships would be pleased to remember, That there were two Bills depending before them ; one concerning the pressing of Soldiers for the Service

† The following Lines in *Hudibras* seem to allude to this very Transaction :

*When Zeal, with aged Clubs and Gleaves,
Gave Charge to Rocbets and Lawn Sleeves.*

Hudibras, Part 3. Canto 2,

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of *Ireland*, and the other for pressing of Seamen for the Defence of both *England* and *Ireland*; which they desired their Lordships would speedily pass; without which, they conceived, *Ireland* cannot be saved.'

The Lords return'd for Answer, to this Message, 'That they would take the two Bills into Consideration with all convenient Speed.'

Complaint a-
gainst the Lord
Digby, for asper-
sing the Com-
mons;

Another Message was brought up, the same Day, from the Commons, by Sir *Philip Stapylton*, to this Purport, 'That the House of Commons find, by common Fame, that it was said in the House of Lords, by the Lord *Digby*, and offered to be justified by him, *That the House of Commons had invaded the Privileges of the House of Lords, and the Liberty of the Subject*; and that he did likewise say, *That this was no free Parliament*: The House of Commons therefore desired, 'that if these Words were spoken by him, that Right might be done to the Commons of *England* against the Lord *Digby*; and if no such Words were spoken by him, that then a Declaration be set forth by their Lordships, to quit the House of Commons of that Scandal.'

The Answer returned was, 'That the Lords would take this Message into Consideration, and send to the Commons by Messengers of their own.' In the mean Time the Words, in the aforesaid Message, were referred to the Committee for keeping a good Correspondency between the two Houses.

And against se-
veral Gentlemen
for appearing in
Arms,

The Commons sent up, by Mr. *Helles*, another Message to the Lords, importing, 'That they had received Information of great Disorders committed between their House and *Charing-Cross*; that certain Persons, in the Habit of Gentlemen, and reported to be Officers in the late *English* Army, and who were now in *Whitehall*, or some Places thereabouts, back'd and countenanced by a Guard of Train'd Bands, attending about *Whitehall*, issued out in Numbers and assaulted the King's Subjects going and returning; in the King's Peace, to and from the Parliament; tho' offering to them, as they were credibly informed, no Offence at all, and twenty or thirty

thirty of them sore wounded. This the House of Commons conceived to be a high Violation of the Liberty of the Subject, and an Affront to the Parliament; and what would, in the End, strike an Awe and Terror into them, if not prevented by the Wisdom of their Lordships and the House of Commons.

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‘ That the Commons were likewise informed, by a Member of their own House, that he, going from the House to their Lordships, thro’ the Church-yard, found there a Guard of Soldiers; and inquiring of them by whose Command they were there, they answered, By the Lord Archbishop of York’s. That, Whether this ought to be suffered, to have Guards set about the Parliament, in this Manner, to the Terror and Affray of the People, the Commons submit to their Lordships Judgment; and therefore, to prevent all Inconveniences, the House of Commons desire to have a Guard; otherwise there will follow certain Mischief in the End; which the House of Commons foreseeing gave their Lordships timely Warning, that, if it should so happen, they might clear themselves to all the World.

‘ *Lastly*, he said, In order that there might still be a free Parliament, he was commanded to desire their Lordships, according to their own Propositions, and upon such Conditions as the House of Commons consented to, That their Lordships would presently join with them in an humble Petition to his Majesty, that the Parliament may have a Guard, to be approved of by both Houses, and commanded by the Earl of *Essex*.’

When this Message was delivered, a long Debate ensued amongst the Lords; and, at last, the Question being put, That the House would join with the Commons in an humble Petition to his Majesty, to desire that the Parliament may have a Guard, &c. as in the Message, it passed in the Negative.

December 30. The Lord Keeper signifying to the House, That the King had commanded him to deliver a Petition to their Lordships, which had been presented to him, it was ordered to be read.

To

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To the KING's Most Excellent Majesty, and to the LORDS and PEERS now assembled in Parliament,

The HUMBLE PETITION and PROTESTATION of all the Bishops and Prelates, now called by his Majesty's Writs to attend in Parliament, and present about *London* and *Westminster* for that Purpose. ^u

The Protestation of the Bishops against all Proceedings during their forced Absence from the House.

THAT whereas the Petitioners are called up by several and respective Writs, and under great Penalties, to attend in Parliament; and have a clear and indubitable Right to vote in Bills and other Matters whatsoever debatable in Parliament, by the antient Customs, Laws, and Statutes of this Realm; and ought to be protected by your Majesty, quietly to attend and prosecute that great Service;

They humbly remonstrate and protest before God, your Majesty, and the Noble Lords and Peers now assembled in Parliament, that, as they have an indubitable Right to sit and vote in the House of Lords, so are they (if they may be protected from Force and Violence) most ready and willing to perform their Duties accordingly; and that they do abominate all Actions or Opinions tending to Popery, and the Maintenance thereof; as also all Propension and Inclination to any malignant Party, or any other Side or Party whatsoever, to the which their own Reasons and Consciences shall not move them to adhere.

But whereas they have been, at several Times, violently menaced, affronted, and assaulted by Multitudes of People in their coming to perform their Service in that Honourable House; and lately chased away, and put in Danger of their Lives; and can find no Redress or Protection, upon sundry Complaints made to both Houses, in these Particulars;

They likewise humbly protest, before your Majesty and the Noble House of Peers, that, saving unto them-

^u Mr. *Whitlocke*, by Mistake, says this Petition was presented on the 12th of *January*—There are several Anachronisms in his *Memorials*, as appears by Comparison with the *Journals*.

themselves all the Rights and Interests of sitting and voting in that House at other Times, they dare not sit or vote in the House of Peers, untill your Majesty shall further secure them from all Affronts, Indignities, and Dangers in the Premises.

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Lastly, *Whereas their Fears are not built upon Phantasies and Conceits, but upon such Grounds and Objects as may well terrify Men of good Resolutions and much Constancy, they do, in all Duty and Humility, protest, before your Majesty, and the Peers of that Most Honourable House of Parliament, against all Laws, Orders, Votes, Resolutions, and Determinations, as, in themselves, null, and of none Effect; which, in their Absence, since the 27th of this Instant December, 1641, have already passed; as likewise against all such as shall hereafter pass in that Most Honourable House, during the Time of this their forced and violent Absence from the said Most Honourable House: Not denying, but, if their absenting of themselves were wilful and voluntary, that Most Noble House might proceed in all these Premises, their Absence, or this their Protestation, notwithstanding: And humbly beseeching your Most Excellent Majesty to command the Clerk of the House of Peers to enter this their Petition and Protestation amongst his Records, they will ever pray God to bless and preserve, &c.*

JO. EBORAC'	GUIL. BATH & WELLES.
THO. DURESME'	GEO. HEREFF'
ROB. CO. LICHE'	MATTH. ELIEN'
JOS. NORWIC'	GODFREY GLOUCEST'
JO. ASAPHEN'	JO. PETRIBURG'
RO. OXON'	MORG. LLANDAFF'

This Petition being read, the Lords sent a Message to the House of Commons, by two of the Judges, to desire a present Conference by a Committee of both Houses, touching Matters of dangerous Consequence. A Conference being held immediately, the Lord-Keeper, in the Name of the House of Peers, declared, 'That this Petition and Protestation of the twelve Bishops, containing Mat-

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Matters of high and dangerous Consequence, and such as the Lords are very sensible of, and such as require a speedy and sudden Resolution, it extending to the deep intrenching upon the Fundamental Privileges and Being of Parliaments; therefore the Lords have thought fit that this Matter, concerning the whole Parliament, may be communicated to the House of Commons, it being a Thing of so great, so general, a Concernment.

Whereupon the Commons resolve to charge them with High Treason.

The Bishops Petition being thus communicated to the House of Commons, they came to a Resolution, To accuse those twelve Bishops of High Treason, for endeavouring to subvert the Fundamental Laws and Being of Parliaments. And Mr. *Glynne* was ordered to go to the Lords, and, at their Bar, in the Name of the House of Commons, and all the Commons of *England*, to accuse these twelve Prelates of High Treason, for endeavouring to subvert the Fundamental Laws of the Realm, and the very Being of Parliaments, manifested by preferring that Petition and Protestation; and to desire the Lords that they may be forthwith sequestred from Parliament, and put into safe Custody; and that their Lordships would appoint a speedy Day for the Commons to charge them, and they to answer; for that the Commons were ready to make good their Charge. He was farther ordered to give their Lordships Thanks for communicating this Petition with so much Affection and Speed, and for expressing their Sense thereof.

The protesting Bishops ordered into Custody.

Hereupon it was ordered, 'That the Gentleman-Usher bring the said Bishops, so accused, before the House of Lords, that they might be committed to safe Custody.' In the mean Time a Conference having been desired by the Commons, concerning the Safety of the Kingdom and both Houses of Parliament, the Lords went to the Conference; and, being returned, the Lord-Keeper reported it to the House to this Effect:

He first repeated the former Message from the Commons, with their Reasons for desiring a Guard, to which the Commons said they had yet no Answer.

swer. They now desired their Lordships to take the following Reasons into Consideration, as an Addition to their former.

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1st, 'The insolent and traitorous Petition and Protestation of the Bishops preferred this Day to their Lordships; which the House of Commons conceive they durst not to have done without some Back to their Design^x.

Next, 'They desire to have a Guard, because they heard the King had a Guard at *Whitehall*, as apprehending it fit; and the House of Commons conceived that those who were Enemies to the King, were likewise Enemies to the Parliament; and so *vice versa*: Therefore that House desired their Lordships to consider of these Things, and give them an Answer, whether they will join with the Commons in a Petition to the King, or not.'

Upon this another Debate arose in the House of Lords, Whether that House would recede, upon these further Reasons, from the Vote given last Night; and this Question being put, it again passed in the Negative. Afterwards, both the Vote of last Night and this, were ordered to be sent down to the Commons, as an Answer to them about a Guard.

The Lords being informed, That the Bishops, accused of High Treason, were at the Door, they were severally call'd in^y; and first, the Archbishop of *York*^z, being brought to the Bar, and kneeling

They are all brought to the Bar of the House of Lords.

ing

^x Lord *Clarendon* observes, 'That the Indiscretion of these Bishops, at such a Crisis, gave so great Scandal and Offence to all those who passionately desired to preserve their Function, that they had no Compassion or Regard of their Persons, or what became of them; inasmuch as, in the whole Debate in the House of Commons, there was only one Gentleman who spoke on their Behalf; and said, 'He did not believe they were guilty of High Treason, but that they were stark mad; and therefore desired they might be sent to *Bedlam*.' And *Whitlocke* says, 'Divers of their Adversaries were much pleased with this unadvised Act of the Bishops, being, (as they wish'd) a Way prepared by themselves for them to be set aside, and removed from the House of Lords.'

^y All these Proceedings against the Bishops are omitted in *Rushworth's Collections*, but supplied from the *Lords Journals*.

^z Dr. *John Williams*.

An. 17. Car. I. ing there as a Delinquent, was commanded to stand up, when the Lord-Keeper told him, 'That the House of Commons, in their Name, and in the Name of all the Commons of *England*, had accused him and other Bishops of High Treason, for endeavouring to subvert the Fundamental Laws of this Realm, and the Being of Parliaments, by preferring their Petition and Protestation, this Day, to that House.

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The Charge against them;

The Archbishop, at his own Request, having Leave to speak, said, 'He would not, at that Time, make any Demurrer to the Charge, as having never heard it before; but he desired their Lordships would give him Leave to do as he should be advised, when he came to his Answer;' and so he withdrew.

And their respective Answers.

The Bishop of *Durham*^a was next brought to the Bar in the same Manner, who said, 'That this was the greatest Misery that ever befel him, and what he did, was not with any malicious or treasonable Intention; but going, by Chance, to the Archbishop of *York*'s House, about two Days ago, he found some Bishops there, and the Petition sign'd by many of them; and, being desired to subscribe the said Petition, he read it over, and took some Exceptions to it; but was drawn in by Inducements, or rather Seducements, and that he did subscribe it only to preserve his Right of voting in Parliament: And, desiring their Lordships to have Pity upon him, as being a Man of great Years, he withdrew.

The Bishop of *Norwich*^b came next to the Bar, and, after hearing his Accusation, said, 'This was the heaviest Affliction ever came to him; he professed it was far from his Thoughts to be guilty of an Offence of so high a Nature, and confessed he subscribed the Petition and Protestation; but desired the rest of his Brethren, the Bishops, that it might

^a Dr. *Thomas Moreton*.

^b Dr. *Joseph Hall*.

might be very well considered before it was presented; but whether it was so he knew not.^{c.} An. 17. Car I.
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^c The following Account is given by this Bishop, in a Piece of his before-mentioned, intitled *Hard Measure*, wherein, after reciting the Tumults about the House of Lords, and the Resolution of the Bishops to forbear any longer Attendance on that Account, he proceeds thus: 'The Archbishop of York sent for us to his Lodging at *Westminster*; laid before us the perilous Condition we were in; advis'd, for Remedy, (except we meant utterly to abandon our Right, and to desert our Station in Parliament) to petition both his Majesty and the Parliament, That, since we were legally called by his Majesty's Writ to give our Attendance in Parliament, we might be secured in the Performance of our Duty and Service, against those Dangers that threaten'd us; and, withall, to protest against any such Acts as should be made during the Time of our forced Absence, for which he assured us there were many Precedents in former Parliaments; and which if we did not, we should betray the Trust committed to us by his Majesty, and shamefully betray and abdicate the due Right both of ourselves and Successors. To this Purpose, in our Presence, he drew up the said Petition and Protestation, avowing it to be legal, just, and agreeable to all former Proceedings; and, being fair written, sent it to our several Lodgings for our Hands, which we accordingly subscribed, intending yet to have had some further Consultation concerning the delivering and whole Carriage of it: But e're we could suppose it to be in any Hand but his own, the first News we heard was, that there were Messengers address'd to fetch us in to the Parliament upon an Accusation of High Treason. For whereas this Paper was to have been deliver'd first to his Majesty's Secretary; and, after Perusal by him, to his Majesty; and after, from his Majesty, to the Parliament; and for that Purpose to the Lord-Keeper, the Lord *Littleton*, who was the Speaker of the House of Peers: All these profess'd not to have perus'd it at all; but the said Lord-Keeper, willing enough to take this Advantage of ingratiating himself with the House of Commons and the Faction, to which he knew himself sufficiently obnoxious, finding what Use might be made of it by prejudicate Minds, read the same openly in the House of Lords; and, when he found some of the Faction apprehensive enough of Misconstruction, aggravated the Matter as highly offensive, and of dangerous Consequence; and thereupon, not without much Heat and Vehemence, and with an ill Pretence, it was sent down to the House of Commons, where it was entertained heinously; *Glynne*, with a full Mouth, crying it up for no less than High Treason; and some comparing, yea preferring, it to the Powder Plot.'

Lord *Clarendon*, after confirming most of the foregoing Particulars, tells us, 'That the Archbishop of York sent for all the Bishops who were then in Town to his House, and propos'd, as absolutely necessary, 'That they might unanimously, and presently, prepare a Protestation, to send to the House, against the Force that was used upon them, and against all the Acts which were or should be done during the Time that they should, by Force, be kept from doing their Duties in the House.' And immediately, having Pen and Ink ready, himself prepared a Protestation; which, being read to them, they all approved, depending upon his great Experience in the

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Next the Bishop of *Coventry and Litchfield*^d was brought to the Bar, who said, 'He subscribed the Petition, but craved their Lordships best Construc- tion of it, for he did it not with any traiterous In- tention; and submitted himself to the Pleasure of the House.'

The Bishop of *St. Asaph*^e confessed 'He subscri- bed the Petition; but did it as Matter of Form, because the rest of the Bishops, his Brethren, had done so: That Thoughts of Treason were far from his Heart, and desired their Lordships Favour and Compassion towards him.'

The Bishop of *Bath and Wells*^f acknowledged, 'That he had set his Hand to the said Petition, with- out any ill Intent; and desired of his Brethren that it might be well considered before it was delivered; and that all the Bishops had set their Hands thereto.'

The Bishop of *Hereford*^g said, 'That when Time was fitting he would make his humble An- swer to the Charge; but desired to say nothing for the present.'

The Bishop of *Ely*^h desired their Lordships to excuse him now for speaking, lest he should do himself more Hurt by that than by Silence.

The Bishop of *Oxford*ⁱ own'd, 'He sign'd also; but his Offence was thro' Ignorance; and therein crav'd their Lordships Compassion.'

The Bishop of *Gloucester*^k said, 'That it did appear he was one of the last that subscribed; that

it the Rules of the House where he had sat so many Years, and, in some Parliaments, in the Place of Speaker, whilst he was Keeper of the Great Seal; and so presuming that he could commit no Error in Matter or Form, and without further Communication and Ad- vice, which both the Importance of the Subject and the Distemper of the Times did require, and that it might have been considered as well what was fit, as what was right; without farther Delay than what was necessary for the fair writing and ingrossing of the Instru- ment they had prepared, they all set their Hands to it.'

^d Dr. Robert Wright.

^e Dr. John Owen.

^f Dr. William Piers.

^g Dr. John Coke.

^h Dr. Matthew Wren.

ⁱ Dr. Robert Skinner.

^k Dr. Godfrey Goodman.

It was not done with any traitorous Intent, but through Ignorance; and submitted himself humbly to the Wisdom of the House.

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The Bishop of *Peterborough*¹ made much the same Confession as the former.

The Bishop of *Landuff*^m made a longer Answer to his Charge, but all to the same Purport; 'That it was done through Ignorance and Indiscretion, and that he had no Design to overthrow the Fundamental Laws of the Land; he desired he might not feel the Weight of their Lordships Justice, but be admitted to their Mercy; and that he might be bailed upon good Security.'

After hearing all these Arraignments, the Lords ordered ten of the Bishops to be committed Prisoners to the Tower; but the Bishops of *Durham* and of *Coventry* and *Litchfield* were remitted to the Custody of the Black Rodⁿ.

The Bishop of *Winchester*^o being all this Time in the House, it was moved, That it should be put to him to answer, whether he consented to, or disclaimed, the said Petition, before he be allowed to sit and vote in the House. The Bishop hereupon answering, 'That he never knew any Thing of the Matter,' the Lords gave him Leave to read the Petition; after which he said, 'He never read it before, and he did now utterly disclaim it.' With which Answer the House was satisfied.

The same Day that the Proceedings went thus vigorously on against the Bishops in the House of Lords, the following Speech was made in the House of Commons by Mr. *Rowse*^p, Member for *Truroe*,
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¹ Dr. *John Warner*. ^m Dr. *Morgan Owen*.

ⁿ Bishop *Hall* says, 'These two had this Favour by reason of their great Age; which, though desired by a Noble Lord on his Behalf, was not yielded to.'

^o Dr. *Walter Curle*.

^p From a Manuscript, purchased at the Sale of the *Harleian* Library. It is not in any of the Collectors of these Times.

An. 17. Car. 1. against filling up some Bishopricks, at this Time
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Mr. Speaker,

Mr. Royle's
Speech against
filling up five va-
cant Bishopricks.

‘YOU may remember the Report made, about two Months since, by Mr. Woodward, of an Order from his Majesty, sent out of Scotland, for drawing up of certain *Congè d’Eslires* for the electing of five new Bishops, whereof two are made and consecrated; and that I then moved petitioning his Majesty to stay the making of them^r; but other Business, of greater Consequence for the present, hindered my enlarging such Reasons as I conceived of Weight to stop the Proceedings concerning them.

‘And now, Mr. Speaker, under Favour of this Honourable House, I intend to give you some further Ground of my Opinion then, That it was not, neither is it yet convenient, as I under Favour conceive, they should be made Bishops.

‘Mr. Speaker, you know the Proceedings against those Bishops, which have been great Delinquents in this State, and that we have prosecuted them to an Impeachment of High Treason; which was a main Ground of my Opinion for the then averting that intended Business of making these new Bishops, till that great Affair was brought to a Period.

‘And, Mr. Speaker, I persuade myself, that there are as great Delinquents, to their Power, amongst the Inferior Clergy, as the Bishops. I speak not with an Intent you should conceive that I reflect
any-

⁹ These were Worcester, Lincoln, Exeter, Bristol, and Chichester. The first was vacant by the Death of Bishop Thornborough; and the others by the Translation of Bishop Williams to York, Bishop Hall to Norwich, Bishop Skinner to Oxford, and Bishop Dupper to Sarum. The Persons nominated to these Sees by the King were Dr. Prideaux, the King’s Professor of Divinity in Oxford; Dr. Winniffe, Dean of St. Paul’s; Dr. Brownerigg, Master of Catherine-Hall, in Cambridge; Dr. Westfield, of Great St. Bartholomew’s, London; and Dr. Henry King, Dean of Lichfield. Of these Lord Clarendon says, ‘They were all of great Eminency in the Church; frequent Preachers; and not a Man to whom the Faults of the then governing Clergy were imputed, or against whom the least Objection could be made.

^r See before, p. 22.

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anywise upon the Persons of those that are elected or made; but that untill the others that are impeached be proceeded against, either to their Condemnation or otherwise, as by the Parliament they shall be found guilty, the Election of new ones may be a while procrastinated and delayed.

‘ Mr. Speaker, we have, as Occasion has served us, had many Debates and Arguments about the quite taking away of Bishops, and many Divisions in the House have been concerning the same; and altho’ their Continuance hath been voted, yet the Manner of their Government is not determined.

1st, ‘ Then, as I conceive, It can neither be requisite nor convenient to make new Bishops, till a certain Form of their Government be fully concluded and settled by the whole State of this Kingdom.

2^{dly}, ‘ Mr. Speaker, If we should give Way to the making of these Bishops, great Prejudice may follow before we can settle them in such a Government as may agree most for the Security and Safety, both of this Kingdom, and the Fundamental Points and Principles of the Doctrine of the Church of England: For, Mr. Speaker, notwithstanding our Proceedings against Delinquents, both in Church and State, how many Petitions and Complaints have we daily received against pernicious and dangerous Tenets in Doctrine, besides scandalous and slanderous Aspersions delivered by divers of the Clergy in their Sermons, and otherwise, since the Sitting of this present Parliament; which, out of Doubt, are favoured, nay animated and encouraged, by the Bishops; which doth much trouble many People, and is a great Cause of their Continuance in Evil, and obstinate Maliciousness of a great many of good Quality and Estimation? And then for new Bishops to be made, altho’, perchance, Men of great Learning and Judgment, before the Parliament hath fully agreed on the Manner of their Government, and Proceedings to prosecute and punish such Delinquents as have been perverse Instruments in the Church, to withdraw the Affections of many, other-

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wife perhaps well affected, from the right settling of true Religion, with such Discipline congruent thereunto, that should be the best Means to procure the everlasting Peace of King and People ! The Inconveniences and dangerous Consequences that may happen hereupon, may yet be worse than the former we have had too much Experience of.

3dly, ' I conceive by making of these Bishops, when they shall be admitted to sit in the House of Lords, their Votes there, although voted down in this House, yet not being agreed unto by the Lords, may be a great Hinderance in our Proceedings to settle such a Form of Government in Religion, as shall, by the Parliament, be thought requisite ; all of them contriving to continue their old Form and Power of Government. And their Votes, you know, Mr. Speaker, have prevailed much in that House, many of the Lords (I could wish not so many) being much inclined towards them, and too willing to comply with them in their Designs ; but I hope, by God's Blessing, and our Endeavours, we shall, in Time, by Degrees remove such Impediments, both in Church and State, as hinder our happy Proceedings in redressing such Things that are amiss in the same.

4thly, ' I conceive, Mr. Speaker, the Non-concurrence among ourselves concerning their Consecration, to be of Weight for the staying the making of these Bishops ; which I desire may not be conclusive, till the other Things before-mentioned, for the Settlement of Religion and Punishment of Delinquents be agreed unto ; that then such as shall be, by this wise Council of State, thought fit to bear any Office in the Church in Places of Government, may be, by the same, tried and proved in their Learning, Judgment, and the Holiness of their Lives and Conversations ; that so having not only able, but godly Men set in Places of Authority, we may expect the well Government of the Inferior Clergy.

' I desire, Mr. Speaker, not to be misconceived in this my Speech, concerning the Stay of making these Bishops, yet unconsecrated. I speak not of their

their Uncapableness or Unworthiness for such Places An. 17. Car. 1.
 of Government, not doubting but that they are as
 able and fit for the same as any other; but the In-
 tent of my Speech and humble Motion is, That
 only, for the Reasons before specified, they may
 not yet be made and consecrated, till such Time as
 all Things for the well Government of the Church
 be fully concluded and settled, which God grant;
 that having reformed all Disorders, both in Church
 and State, we may every one sit securely under his
 own Vine and Figtree, and reap and enjoy the
 Fruit of his own Labour.'

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December 31. The Lords sent a Message to the
 Commons, to let them know what they had done
 in the last Affair of the Bishops, and likewise to
 acquaint them, That their Lordships had ordered
 the Bishops to put in their Answers to the Im-
 peachment on this Day Se'nnight.

The same Day also the Lords received a Mes-
 sage from the Commons, to remind them, ' That
 whereas, divers Months ago, the House of Com-
 mons sent up a Bill for taking away the Votes of
 the Bishops in their House; which the Commons
 suppose had been interrupted by other Business their
 Lordships have been engaged in, they now desired
 the said Bill may be considered of with all Expe-
 dition, because they conceived it to be a Matter of
 great Concernment.' The Lords answer'd, ' That
 they would take the said Bill into Consideration in
 convenient Time.'

The Commons
 press forward the
 Prosecution of
 the impeached
 Bishops;

The House of Commons, finding that the Lords
 would not join with them in petitioning the King
 for a Guard, this Day resolv'd to do it by themselves:
 Accordingly seven of that Body, of which Mr. *Holles*
 was to be their Speaker, were ordered to attend his
 Majesty, and deliver to him the following Message:

Most Gracious Sovereign,

' **W**E are sent by the Knights, Citizens, and
 ' Burgesses of the House of Commons,
 ' your faithful and loyal Subjects, who are ready

And petition the
 King for a Guard.

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‘ to lay down their Lives and Fortunes, and spend
 ‘ the last Drop of their Blood, to maintain your
 ‘ Crown and Royal Person in Greatness and Glo-
 ‘ ry; and do, by us, cast themselves down at your
 ‘ Royal Feet, to present unto your Majesty their
 ‘ humble Desires upon their great Apprehensions
 ‘ and just Fears of mischievous Designs and Prac-
 ‘ tices to ruin and destroy them.

‘ There have been several Attempts, heretofore,
 ‘ to bring Distraction upon their whole Body at
 ‘ once, and Threats and Menaces against particu-
 ‘ lar Persons: There is a malignant Party, bitterly
 ‘ invenomed against them, daily gathering Strength
 ‘ and Confidence, and now come to such Height,
 ‘ as they have given some the Boldness to embroil
 ‘ their Hands in the Blood of your Subjects, in the
 ‘ Face and at the Doors of the Parliament, and at
 ‘ your Majesty’s own Gates; and have given out
 ‘ insolent and menacing Speeches against the Par-
 ‘ liament itself. This causeth great Distractions
 ‘ amongst the People in general, and such Fears and
 ‘ Apprehensions in the House of Commons, that
 ‘ they conceive they cannot, with the Safety of
 ‘ their Persons, (upon which the Safety and Peace
 ‘ of the whole Kingdom doth now depend) sit any
 ‘ longer unarm’d and unguarded as they are: They
 ‘ have therefore their Recourse unto your Majesty,
 ‘ most humbly beseeching you, that it may stand
 ‘ with your good Liking if they provide for their
 ‘ own Safety; which the very Law of Nature and
 ‘ Reason doth allow unto them. It is their humble
 ‘ Desire, that they may have a Guard out of the
 ‘ City of *London*, commanded by the Earl of *Essex*,
 ‘ Lord-Chamberlain of your Majesty’s Household,
 ‘ of whose Fidelity to your Majesty and the Com-
 ‘ monwealth they have had long Experience. By
 ‘ this your Majesty’s Grace and Favour, you will
 ‘ remove their Fears, fill them with Comfort and
 ‘ Assurance, and enable them to serve your Ma-
 ‘ jesty in such a Way as shall render your Maje-
 ‘ sty and your Government happy and glorious.
 ‘ And to this they do most humbly desire your Ma-
 ‘ jesty’s

‘ jesty’s gracious and speedy Answer, because their An. 17. Car. I.
 ‘ Safety, and the Safety of the whole Kingdom, de- 1641.
 ‘ pends upon it, and will not admit of any Delay.’ }
 December.

The Substance of this Message being first delivered by Word of Mouth, the King desired to have it in Writing, which was delivered to his Majesty accordingly: But the Commons receiving no present Answer, ordered that Halberts should be provided, and brought into the House, for their own better Security; which was done, and the said Halberts stood in the House for a considerable Time afterwards.

At a Conference this Day, Dec. 31, with the Lords, about an Information the Commons had received of the Lord Digby’s having, in a Speech, reflected on their Proceedings, Mr. Pymme spoke as follows^m:

My Lords,

‘ **T**HE Knights, Citizens, and Burgesses of the Mr. Pymme’s
 House of Commons, now assembled in Par- Speech, at a Con-
 liament, have commanded me to present to your ference, against
 Lordships this Information which they have received, against
 Lord Digby.
 Lordships this Information which they have received against the Right Honourable George Lord Digby, of such dangerous Consequence, that, if not prevented, evil and troublesome Events may ensue; to the great Hazarding the Peace of this Kingdom; and the great Hinderance of the happy Proceedings of this Parliament.

‘ My Lords, I humbly crave your Patience to declare to your Lordships what I am commanded concerning the said Information, which is, That he, the said Lord Digby, should give forth Report, upon reading the late Petition and Protestation of the twelve Bishops, *That the present Parliament was a forced one; and that the Acts, Votes, and Laws that should be enacted therein, without the Votes and Assents of the Bishops, are void and of none Effect, and not binding to the Subject.*

‘ My

^m From the Manuscript last mentioned.

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‘ My Lords, this Report is of great Danger to the State, if proved against the said Lord, in these three Respects, as I, under your Lordships Favour, conceive :

First, ‘ It is a great Breach of the Rights and Privileges of Parliament.

Secondly, ‘ It intrencheth much on the Prerogative of the King, and abridges his Royal Power.

Thirdly, ‘ It is the first Step to bring into this State an arbitrary and tyrannical Form of Government.

First, ‘ My Lords, it is a Breach of the Privileges of Parliament, for these Reasons :

1st, ‘ It is against the free Votes of Parliamentary Proceedings; which ought to be reserved and unquestionable during the free Sitting thereof.

2^{dly}, ‘ It is against the late Act of Parliament, in that Case made and provided, for not adjourning or abrupt breaking up of the same. This Act, my Lords, was freely voted by both Houses; freely and willingly passed by his Majesty, without any Force or compulsory Means used by any, or private working of any of the Members of either Houses to induce his Majesty to do the same: An Act voted as well by the said Lord, as the rest of this Honourable House. This Report, therefore, of his, must needs be against his Knowledge and former free Consent in passing that Act.

3^{dly}, ‘ One Privilege of Parliament; and that is one of the greatest, is to accuse and freely proceed to the Punishment of Delinquents that have caused the Troubles in this State, both in Church and Commonwealth. This Report is against this Privilege; it opposes altogether our Proceedings against the Bishops, accused as the greatest Delinquents both in Church and State: For, my Lords, if the Parliament is forced in the Absence of the Bishops, how may then the Parliament proceed lawfully against them? If the Bishops sit and have their Votes, altho’ Delinquents, in Parliament, how can we proceed, I beseech you, against their Votes? Therefore, under Favour, I conclude this Report

of

of the said Lord is against this Privilege of Parlia- An. 17. Car. I.
ment. 1641.

4thly, ' To redress the Grievances of the Commonwealth, is a Privilege of Parliament. This Report is against this Privilege. How, I pray you, my Lords, can our Grievances be redressed, when the Oppressions, Injustice, and vexatious Troubling of his Majesty's loyal Subjects, by the Bishops, may not be call'd in question, nor the Misdoers therein prosecuted and punished for the same ?

5thly, ' This Report is against divers Acts of Parliament of this Kingdom, that have been made without the Voice of Bishops in Parliament, as is on Record in the Parliament Rolls. And thus, my Lords, I have shewn you how this Report is against the Privileges of Parliament.

Secondly, ' My Lords, this Report intrencheth on the Royal Power and Prerogative of the King, and that in two Respects :

1st, ' His Royal Prerogative, in making and enacting Laws by Parliament ; it resting only in his Power to pass or refuse the Votes of Parliament.

' My Lords, the King of this Realm has the greatest Prerogative (to require the Counsel and Assistance of the whole State, upon any Occasion whatsoever, when it pleaseth him) of any Prince in the World, except the King of *France* : And, under Favour, my Lords, I conceive a Parliament cannot be term'd forced, when it is freely called, and willingly continued by the King. I conceive, my Lords, a forced Parliament is, when against the free Consent of a King and his Lords, without lawful Calling by Writ, Men assemble themselves ; and, by Force of Arms, sit in Council and enact Laws, not tending to the Welfare of the Kingdom. The Parliament holden in the fourteenth Year of the Reign of *Edward II.* was a forced Parliament ; the Barons coming thither with Horse and Arms, and compelling the King to pass what they thought proper to have enactedⁿ.

2dly,

* See the Proceedings of this Parliament in our First Volume,

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2dly, 'My Lords, this Report intrencheth on the Royal Power of the King in making of Laws; for, as before I have touched, Parliaments have, without Bishops, made and enacted Laws. By this Supposition, my Lords, that Laws made without Bishops are void, Bishops, be they never so vile and disaffected to the Tranquility and Security of the State, yet must have Votes in rectifying and setting in Order such Things as are amiss in the same, as well by their own procuring as others; which is not then likely to take any good Effect: Nay, my Lords, it is too apparent they have been the greatest Opposers of our Proceedings in this Parliament, and the chief Cause why no more is done by the same.

Thirdly and lastly, 'My Lords, this Report is the first Step to bring in an arbitrary and tyrannical Form of Government; and that, under Favour, for these Reasons:

1st, 'Free Parliaments are the securest and safest Government that ever could be found for this Nation; and that in respect of the Power and Wisdom thereof. It is upholden, defended, and preserved by the whole Body of the Kingdom; therefore powerful: The Members thereof are Men elected, one out of ten thousand, by the whole State; therefore esteemed wise: Then to oppose the Proceedings, and deny the Government thereof, is to change the same; and, if changed to another Form, (none being so secure, so powerful, and so wise) it must needs be arbitrary, and so tyrannical.

2dly, 'My Lords, if no Laws can be binding to the Subject, but such as are voted and assented to by the Bishops, then none can be expected but such as are destructive to the State; their Affections being altogether averted from free Parliamentary Proceedings, and their Designs only agitated for the opposing the Government thereof; and we cannot but daily fear the utter Confusion of the same thereby.

'Now, my Lords, having, to my weak Ability, fulfilled the Command of the House of Commons, in speaking something of this Information, I am to desire

desire your Lordships, in their Name, that the said *George Lord Digby* may answer the said Information, or otherwise be proceeded against as the Parliament shall think fit.

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Whether any Censure passed against the *Lord Digby*, on this Occasion, does not appear by the *Journals* of either House: But the Resentment of the Commons against him will appear, fully, in the Sequel.

Thus ends the Calendar Year of 1641; but the *Journals* of both Houses, with the *Statute Books*, continuing of it to *March 25*, we shall follow that Course, as we have hitherto done, in these Inquiries. The Reader may observe that Civil Dissentions, occasioned by real Fears and Doubts in some, and secret evil Machinations in others, were now risen to a great Height between the Court and People: But, at the very Beginning of *January*, an Accident happened, which gave the King's Enemies the greatest Hand they could have wished for, to bring him to his Ruin. This was the hasty and ill-advised Step of his Majesty's going, in Person, to the House of Commons to demand the five Members; a Circumstance much animadverted upon by the Historians of these Times, and every other Writer of *English History* since. We shall therefore wave all Reflections on these Matters, and strictly pursue the Thread of the *Journals*, leaving every Man at Liberty to blame or excuse this Affair as he thinks fit.

January 3. Both Houses met according to Adjournment; when the Commons received from the King the following Answer to their last Address for a Guard:

WE have taken the last Message from you, touching your Desire of a Guard, into our serious Consideration; and truly, with great Grief of Heart, that (after a whole Year's sitting in Parliament, wherein you have obtained those Things, for the Happiness

The King's Answer to the Commons Petition for a Guard.

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piness and Security of yourselves, and the rest of our Subjects, as no Age can equal) instead of reaping, in Peace and Tranquility, the Fruits of your Labours, and of our Grace and Affection to our People, we should find Jealousies, Distrusts and Fears still so prevalent among you, as to induce you to declare them unto us, in so high a Measure as you have done at this Time.

We are wholly ignorant of the Grounds of your Apprehensions; but this we do protest before Almighty God, (to whom we must be accountable for those whom he hath intrusted to our Care and Protection) that had we any Knowledge or Belief of the least Design in any, of Violence, either formerly or at this Time, against you, we would pursue them to condign Punishment, with the same Severity and Detestation, that we would do the greatest Attempt upon our Crown.

We know the Duty of that Place where God hath set us, the Protection we owe to all our loving Subjects, and most particularly to you, called to our Service by our Writs; and we do engage unto you solemnly the Word of a King, that the Security of all, and every one of you from Violence, is, and ever shall be, as much our Care, as the Preservation of us and our Children.

And, if this general Assurance shall not suffice to remove your Apprehensions, we will command such a Guard to wait upon you as we will be responsible for to him, who hath incharged us with the Protection and Safety of our Subjects.

The same Day the Lord-keeper told the House of Lords, That he was commanded by the King to let them know, his Majesty had given Command to his Attorney-General, to acquaint their Lordships with some Particulars from him. Hereupon the said Attorney, standing up at the Clerk's Table, said, 'That the King had commanded him to tell their Lordships, that great and treasonable Designs and Practices against him and the State had come to his Majesty's Knowledge; for which the King had given him Command to accuse, and he did

The Attorney-General charges several Members with High Treason.

did accuse the Lord *Kimbolton*, Mr. *Holles*, Mr. *Pymme*, Mr. *Hampden*, Sir *Arthur Haselrigge*, and Mr. *Strode*, of High Treason, and other high Misdemeanors, by the Delivery of the Articles, in Writing, which he had in his Hand, and which he received from his Majesty: Which Articles were read in hæc Verba:

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I. 'THAT they have traiterously endeavoured to subvert the Fundamental Laws and The Articles against them;

' Government of this Kingdom, and deprive the King of his Regal Power, and to place in the Subjects an arbitrary and tyrannical Power.

II. ' That they have traiterously endeavoured, by many foul Aspersions upon his Majesty and his Government, to alienate the Affections of his People, and to make his Majesty odious to them.

III. ' That they have endeavoured to draw his Majesty's late Army to Disobedience to his Majesty's Commands, and to side with them in their traiterous Designs.

IV. ' That they have traiterously invited and encouraged a foreign Power to invade his Majesty's Kingdom of *England*.

V. ' That they have traiterously endeavoured to subvert the Rights and very Being of Parliaments.

VI. ' That, for the compleating of their traiterous Designs, they have endeavoured, as far as in them lay, by Force and Terror, to compel the Parliament to join with them in their traiterous Designs; and, to that End, have actually raised and countenanced Tumults against the King and Parliament.

VII. ' That they have traiterously conspired to levy, and actually have levied, War against the King.

Then Mr. Attorney said, ' That he was further charged to desire on his Majesty's Behalf,

1. ' That a select Committee, under a Command of Secrecy, may be appointed to take the Examination of such Witnesses as the King will pro-

An. 17. Car. I. produce in this Business, as formerly hath been
1641. done in Cases of like Nature, according to the
Justice of this House.

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2. 'Liberty to add and alter, if there should be Cause.'

3. 'That their Lordships would take Care for the securing of the Persons, as in Justice, there should be Cause.'

Whereupon the
Lords appoint a
Committee to
search Prece-
dents.

Mr. *Rushworth* says, 'Lord *Kimbolton*, being present in the House, stood up and offered to obey whatever the Lords should order; but prayed that, as he had a public Charge, he might have a public Clearing.' Accordingly the Lord-Steward, the Lord-Chamberlain, Earl of *Bath*, Earl of *Southampton*, Earl of *Warwick*, Earl of *Bristol*, and Earl of *Holland*, with the Assistance of Mr. Serjeant *Whitfield* and Mr. Serjeant *Glanville*, were appointed a Committee to consider of Precedents and Records, touching the Regularity of this Accusation; whether there had ever been any such Proceedings before in this House, and whether such an Accusation may be brought by Mr. Attorney, into this House, against a Peer.

Lord *Clarendon* adds, 'The House of Peers was somewhat appalled at this Alarm; but took Time to consider of it till the next Day, that they might see how their Masters the Commons would behave themselves; the Lord *Kimbolton* being present in the House, making great Professions of his Innocence, and no Lord being so hardy as to press for his Commitment on the Behalf of the King.' This general Silence was the more remarkable, since the Noble Historian assures us, 'That the Lord *Digby* had promised the King to move the House for the Commitment of Lord *Kimbolton*, as soon as the Attorney-General should have accused him; which, if he had done, would probably have raised a very hot Dispute in the House, where many would have joined him. On the contrary, he seem'd the most surprized and perplex'd with the Attorney's Impeachment; and sitting at that Time next the Lord
Kim-

Kimbolton, with whom he pretended to live with much Friendship, he whisper'd him in the Ear with some Commotion, (as he had a rare Talent at Disimulation) 'That the King was very mischievously advised; and that it should go very hard, but he would know whence that Counsel proceeded; in order to which, and to prevent further Mischief, he would go immediately to his Majesty;' and so went out of the House: Whereas he was the only Person who gave the Counsel, named the Persons, particularly the Lord *Kimbolton*, (against whom less could be said than against many others, and who was more generally beloved) and undertook to prove that the said Lord *Kimbolton* told the Rabble, when they were about the Parliament House, 'That they should go to *Whitehall*.'

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After some other Business done in the House of Lords; as assigning Counsel for the twelve Bishops, &c. a Message was brought up, from the other House, to desire the Lords would be pleased to sit a while, for they should have Occasion to confer with their Lordships about a Breach of Privilege. This being granted, a Conference was held between Committees of both Houses; the Report of which was made by the Lord-Keeper to this Effect:

'That the House of Commons apprehended the Parliament to be the great Council and the Representative Body of the Kingdom, and both Houses are but one Body of the Realm; the Privileges are as the Walls, or Sinews, of the Parliament, which being cut, Distraction will speedily follow: That both Houses have lately taken a Protestation for the Maintenance of their Privileges, Persons, and Goods, a high Breach whereof is at this Instant; for divers Members of the House of Commons have their Persons assaulted and laid in wait for; their Chambers, Studies, and Trunks have been ransack'd and seal'd up; as Mr. *Holles*, Mr. *Pymme*, and Mr. *Hampden*; besides, the House of Commons understand that there are Guards of Soldiers set so near the Parliament House as *Whitehall*; which

The Commons
desire a Conference for Vindication of their Privileges.

An. 17. Car. I. which being done without Consent of Parliament,
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 January. they hold it as a Breach of Privilege: The House of Commons therefore desire their Lordships would join with them in an humble Request to the King, that the Guards at *Whitehall* may be removed; and that the Parliament may have such a Guard as shall be approved on by the King and both Houses of Parliament. Also the House of Commons desire their Lordships to join with them in vindicating these Breaches of their Privileges; and, if a Guard cannot be obtained, that they will take it into Consideration to adjourn to another Place, where they may sit in Security.

The Lords taking this Desire into Consideration, ordered, That all the Chambers, Studies, and Trunks, that were seal'd or lock'd, belonging to
 And both Houses address the King for a Guard, &c. Mr. *Holles*; Mr. *Pymme*, Mr. *Hampden*, or to any Member of Parliament, shall be forthwith unseal'd and unlock'd, and left to their free Use and Disposal. They resolv'd also to join with the House of Commons, in an humble Petition to the King for a Guard, in the same Manner as had been desired, and that it should continue as long as the King and both Houses should think fit.

Jan. 4. This joint Petition of both Houses having been presented to the King, his Majesty said, 'That he would send an Answer to it very speedily.' But the Commons being very uneasy, they this Day renewed their Desires to the Lords, to have it done; for this Reason, 'Because they had received Information that divers Gentlemen had made their Addresses to the Gentlemen of the Inns of Court, and had dealt with them to come arm'd to *Whitehall*, when they should be required; but they had not condescended thereto. They likewise said they had met with a scandalous Paper, published abroad, to the Injury of some Members of both Houses, which contained Articles of High Treason and High Misdemeanors, against the Lord *Kimbolton*, a Member of that House, and others, Members

bers of the House of Commons; which they desired their Lordships to join with them in finding out the Authors of, and bringing them to condign Punishment for so high a Breach of the Privileges of Parliament.—But nothing was this Day resolved on by the Lords, probably interrupted by the Affair which happened in the other House: For,

The Day before the King had sent Mr. *Francis*; Serjeant at Arms, to the House of Commons; where, being admitted without his Mace, he delivered this Message;

‘ I am commanded by the King’s Majesty, my Master, upon my Allegiance, that I should come and repair to the House of Commons, where Mr. Speaker is; and there to require of Mr. Speaker five Gentlemen, Members of the House of Commons; and that these Gentlemen being delivered, I am commanded to arrest them, in his Majesty’s Name, of High Treason. Their Names are, Mr. *Holles*, Sir *Arthur Haselrigge*, Mr. *Pymme*, Mr. *Hampden*, and Mr. *William Strode*.’

The Commons immediately ordered the Chancellor of the *Exchequer*, Lord *Falkland*, Sir *Philip Stapylton*, and Sir *John Hotham*, to attend his Majesty; and acquaint him, ‘ That this Message was a Matter of great Consequence, as it concern’d the Privilege of Parliament, and therein the Privileges of all the Commons of *England*: That this House will take it into serious Consideration, and will attend his Majesty, with an Answer, in all Humility and Duty, and with as much Speed as the Greatness of the Business will permit: And that, in the mean Time, the House will take Care that those Gentlemen, mention’d in the Message, shall be ready to answer any legal Charge laid against them.’

Then the Speaker, by Command of the House, enjoyn’d those five Members, particularly, one by one, to give their Attendance on the House, *de Die in Diem*, untill further Orders: And, in the Afternoon of this Day, there is a *Memorandum* entered, That all the five Members, aforementioned,

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did

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But they not being delivered up,

An. 17. Car. I. did appear in the House, according to Yesterday's
1641. Injunction.

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Sir *John Hotham* was ordered to go to the Lords to desire a free Conference concerning the Safety of the Kingdom and Parliament; who brought Answer back, That the Lords would give a present Meeting as was desired.

A Message from the Lords came down to the Commons, to acquaint them, ' That, according to the Agreement between both Houses last Night, they had sent the Duke of *Richmond* and the Lord Chamberlain to his Majesty, concerning a Guard; and that the King's Answer was, ' That, by reason of some weighty Affairs that were now before him, he could not give a present Answer; but ' did believe that, either To-day or To-morrow, ' he should send it.'

Some Members of the Commons having been sent by that House, to inquire into the Truth of a Report, That the Gentlemen of the Inns of Court came to *Whitehall*, armed; Mr. *Brown*, one who was sent to *Lincoln's Inn*, said, ' That the Gentlemen told him, they went to Court, first upon a general Report that his Majesty's Person was in Danger * * * *

His Majesty came into the House, and took Mr. Speaker's Chair.

Gentlemen,

The King comes in Person to the House to demand them, *I Am sorry to have this Occasion to come unto you.*
* * * * *

Resolved, upon the Question, That the House shall adjourn itself till To-morrow one of the Clock.

This is all that is enter'd in the *Journals* of the Commons relating to this extraordinary Affair: It is probable the great Confusion the House was in, at this Juncture, broke off all Punctualities in the Clerk, and prevented any further Entry about it there :

there: But Mr. *Rushworth*, then Clerk-Assistant An. 17. Car. 1.
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to the House, is very explicit in his printed *Collections*; which, to make the Matter as clear as possible, we shall give in his own Words. January.

He begins with telling us, 'That when the five accused Members came this Day, after Dinner, into the House, they were no sooner sat in their Places, but the House was informed by one Captain *Langrish*, lately an Officer in Arms in *France*, that he came from among the Officers and Soldiers at *Whitehall*; and understanding by them, that his Majesty was coming with a Guard of Military Men, Commanders and Soldiers, to the House of Commons, he passed by them, with some Difficulty, to get to the House before them, and sent in Word how near the said Officers and Soldiers were come; whereupon a certain Member of the House having also private Intimation from the Countess of *Carlisle*, Sister to the Earl of *Northumberland*, that Endeavours would be used this Day to apprehend the five Members, the House required the five Members to depart the House forthwith, to the end to avoid Combustion in the House, if the said Soldiers should use Violence to pull any of them out. To which Command of the House four of the said Members yielded ready Obedience; but Mr. *Strode* was obstinate, till Sir *Walter Earle*, his antient Acquaintance, pull'd him out by Force, the King being at that Time entering into the *New Palace-yard*, in *Westminster*: And as his Majesty came thro' *Westminster-Hall*, the Commanders, Reformadoes, &c. that attended him, made a Lane on both Sides the Hall thro' which his Majesty passed, and came up the Stairs to the House of Commons, and stood before the Guard of Pensioners and Halberteers, who also attended the King's Person; and the Door of the House of Commons being thrown open, his Majesty entered the House, and as he passed up towards the Chair, he cast his Eye on the Right Hand, near the Bar of the House, where Mr. *Pymme* used to sit; but his Majesty not seeing him there, knowing him well, went up to the Chair, and said,

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By your Leave, Mr. Speaker, I must borrow your Chair a little: Whereupon the Speaker came out of the Chair, and his Majesty stepp'd up into it. After he had stood in the Chair a while, he cast his Eye upon the Members as they stood up uncovered, but could not discern any of the five Members to be there; nor, indeed, were they easy to be discerned, had they been there, among so many bare Faces all standing up together.

‘ Then his Majesty made this Speech :

Gentlemen,

His Speech upon
that Occasion.

I Am sorry for this Occasion of coming unto you. Yesterday I sent a Serjeant at Arms upon a very important Occasion, to apprehend some that, by my Command, were accused of High Treason, whereunto I did expect Obedience, and not a Message. And I must declare unto you here, that, albeit, no King that ever was in England shall be more careful of your Privileges, to maintain them to the uttermost of his Power, than I shall be; yet you must know, that in Cases of Treason no Person hath a Privilege; and therefore I am come to know if any of these Persons that were accused are here: For I must tell you, Gentlemen, that so long as these Persons that I have accused, for no slight Crime, but for Treason, are here, I cannot expect that this House will be in the right Way that I do heartily wish it; therefore I am come to tell you, that I must have them wheresoever I find them.— Well, since I see all the Birds are flown, I do expect from you, that you will send them unto me as soon as they return hither. But I assure you, on the Word of a King, I never did intend any Force, but shall proceed against them in a legal and fair Way, for I never meant any other.

And now, since I see I cannot do what I came for, I think this no unfit Occasion to repeat what I have said formerly, That whatsoever I have done in Favour, and to the Good of my Subjects, I do mean to maintain it.

I

I will trouble you no more, but tell you, I do expect, as soon as they come to the House, you will send them to me; otherwise I must take my own Course to find them.

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‘When the King was looking about the House, the Speaker standing below, by the Chair, his Majesty ask’d him, Whether any of these Persons were in the House? Whether he saw any of them? and where they were? To which the Speaker, falling on his Knee, thus answered :

May it please your Majesty,

‘I Have neither Eyes to see nor Tongue to speak in this Place, but as the House is pleased to direct me, whose Servant I am here; and humbly beg your Majesty’s Pardon, that I cannot give any other Answer than this to what your Majesty is pleased to demand of me.’

And Mr. Speaker’s Answer to the King.

‘The King, having concluded his Speech, went out of the House again, which was in great Disorder; and many Members cried out aloud, so as he might hear them, *Privilege! Privilege!* and forthwith adjourned till the next Day at One o’Clock.

‘The same Evening his Majesty sent *James Maxwell*, Usher of the House of Peers, to the House of Commons, to require Mr. *Rushworth*, the Clerk-Assistant, whom his Majesty had observed to take his Speech in Characters, at the Table in the House, to come to his Majesty; and when *Maxwell* brought him to the King, his Majesty commanded him to give him a Copy of his Speech in the House. Mr. *Rushworth* humbly besought his Majesty, hoping for an Excuse, to call to Mind how Mr. *Francis Nevil*, a *Yorkshire* Member of the House of Commons, was committed to the *Tower*, but for telling his Majesty what Words were spoken in the House by Mr. *Henry Bellasis*, Son to the Lord *Fauconberg*; to whom his Majesty smartly replied, *I do not ask you to tell me what was said by*

L 3 any

An, 17. Car. I. *any Member of the House, but what I said myself.*
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Whereupon he readily gave Obedience to his Majesty's Command, and in his Majesty's Presence, in the Room call'd the *Jewel-House*, he transcrib'd his Majesty's Speech out of his Characters, his Majesty staying in the Room all the while; and then and there presented the same to the King, which his Majesty was pleased to command to be sent speedily to the Press, and the next Morning it came forth in Print.^r

The Commons
adjourn for six
Days,

Jan. 5. At the appointed Time the Commons met again; when the Door being ordered to be lock'd, the Key brought up, the outward Rooms cleared of all Persons, except Servants to the Members of the House; and also that some of those Servants should be sent forth to see what Numbers of People were repairing towards *Westminster*, and to bring Notice to the House; a Committee was named to consider of some Way for vindicating the Privileges of Parliament, and for providing for the Safety of both Kingdoms, and to present it to the House with all Speed. A Debate then arose, Whether this House should be adjourned to *Tuesday* next, *Jan. 11*, and a Committee be appointed to sit at the *Guildhall*, in *London*, during that Time? The Question was put, and, on a Division of the House, there appeared to be 170 Members for it, and 86 against it.

The House then agreed upon a Declaration, to be forthwith printed and published, concerning the late Breach of Privilege; which was done in these Words:^s

And declare the
King's Beha-
viour a Breach of
Privilege,

‘ **W**HEREAS his Majesty, in his Royal Person, Yesterday, being the fourth Day of *January*, 1641, did come to the House of Commons,

^r In our Collections is a Copy of the King's Speech on this Occasion, (printed by *Robert Barker*, Printer to the King's Most Excellent Majesty, and by the Assigns of *John Bill*) which is *verbatim* the same as that given by Mr. *Rushworth*.

^s From the *Commons Journals*; the Copy in *Rushworth* being incorrect,

mons, attended with a great Multitude of Men, armed in a warlike Manner, with Halberts, Swords, and Pistols, who came up to the very Door of this House, and placed themselves there, and in other Places and Passages near to the House, to the great Terror and Disturbance of the Members thereof, then sitting, and according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of both the Kingdoms of *England* and *Ireland*; and his Majesty having placed himself in the Speaker's Chair, did demand the Persons of divers Members of this House to be delivered unto them :

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It is this Day declared by the House of Commons, That the same is a high Breach of the Rights and Privileges of Parliament, and inconsistent with the Liberties and Freedom thereof; and therefore this House doth conceive they cannot, with the Safety of their own Persons, or the Indemnity of the Rights and Privileges of Parliament, sit here any longer, without a full Vindication of so high a Breach, and a sufficient Guard wherein they may confide; for which both Houses jointly, and this House by itself, have been humble Suitors to his Majesty, and cannot as yet obtain.

Notwithstanding which, this House, being very sensible of the great Trust reposed in them, and, especially at this Time, of the manifold Distractions of this Kingdom, and the lamentable and distressed Condition of the Kingdom of *Ireland*, doth order, That the House shall be adjourned untill *Tuesday* next at One of the Clock in the Afternoon; and that a Committee, to be named by this House, and all that will come to have Voices, shall sit at the *Guildhall* of the City of *London*, To-morrow Morning at Nine of the Clock, and shall have Power to consider and resolve of all Things that may concern the Good and Safety of the City and Kingdom; and, particularly, how our Privileges may be vindicated, and our Persons secured, and to consider of the

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‘ Affairs and Relief of *Ireland*; and shall have
 ‘ Power to advise and consult with any Person or
 ‘ Persons, touching the Premises, and shall have
 ‘ Power to send for Parties, Witnesses, Papers, and
 ‘ Records.

‘ And it is further ordered, That the Committee
 ‘ for *Irish* Affairs shall meet at the *Guildhall*
 ‘ aforesaid, at what Time they shall think fit; and
 ‘ consult and do, touching the Affairs of *Ireland*,
 ‘ according to the Power formerly given them by
 ‘ this House; and that both the said Committees
 ‘ shall report the Results of their Considerations
 ‘ and Resolutions to the House.’

Mr. *Fiennes* was sent up to the Lords, to acquaint their Lordships with the Reasons why the Commons adjourned till *Tuesday* next, and had fixed a Committee to act at *Guildhall*; which are much the same as those expressed in the above Declaration, Adding, That they still desired their Lordships to move his Majesty for such a sufficient Guard about the Parliament, as both Houses might approve of.

The Lords return’d for Answer to this last Affair, That they had already sent to the King about it, and his Majesty’s Answer was, That he would do it speedily; but their Lordships would renew it again. The Lords ordered also, That the Report, from the Committee appointed to consider of the Accusation the Attorney-General had brought against the Lord *Kimbolton* and the five Members of the Lower House, should be considered of; and that all the capital Proceedings in Parliament be searched into on this Occasion. The Answer of the impeached Bishops, which was to have been delivered on the 7th, was prolong’d to the 12th of this Month. Then the Lords adjourned, along with the Commons, to *Tuesday* the 11th Instant.

In the *Collections* of the late Sir *Henry Goodrick*, Bart. we meet with three Speeches made by Mr. *Pymme*, Sir *Arthur Haselrigge*, and Mr. *Strode*, in Vindication of themselves against the Articles
 of

of High Treason, exhibited by Sir *Edward Herbert*, An. 17. Car. I. the King's Attorney. In Dr. *Nalson's Collections* is also a Speech of Mr. *Hampden's*, on the same Occasion: But this latter being judg'd, by some learned Gentlemen, to be surreptitious, we pass it over,

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And first Mr. *Pymme*.

Mr. *Speaker*,

THESE Articles of High Treason, exhibited by his Majesty against me, and the other Gentlemen in the Accusation charged with the same Crime, are of great Consequence, and much Danger to the State. The Articles in themselves, if proved, are, according to the Laws of the Land, High Treason.

1st, 'To endeavour to subvert the Fundamental Laws of the Land, is, by this present Parliament, in the Earl of *Strafford's* Case, adjudged High Treason.

2^{dly}, 'To endeavour to introduce into this Kingdom an arbitrary and tyrannical Form of Government, is likewise voted High Treason.

3^{dly}, 'To raise an Army to compel the Parliament to make and enact Laws, without their free Votes and willing Proceedings in the same, is High Treason.

4^{thly}, 'To invite a foreign Force to invade this Land, to favour our Designs agitated against the King and State, is High Treason.

5^{thly}, 'To animate and encourage riotous Assemblies and Tumults about the Parliament, to compel the King to assent to Votes of the House, is Treason.

6^{thly}, 'To cast Aspersions upon his Majesty and his Government, to alienate the Affections of his People, and to make his Majesty odious unto them, is Treason.

7^{thly}, 'To endeavour to draw his Majesty's Army into Disobedience, and to side with us in our Designs, if against the King, is Treason.

London, printed for Peter Cole, 1641.

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‘ I desire, Mr. Speaker, the Favour of this House to clear myself, concerning this Charge; I shall only parallel and similize my Actions, since the Sitting of this Parliament, with these Articles :

1st, ‘ Mr. Speaker, if to vote with the Parliament, as a Member of the House, wherein all our Votes ought to be free, (it being one of the greatest Privileges thereof to have our Debates, Disputes, and Arguments in the same unquestionable) be to endeavour to subvert the Fundamental Laws; then am I guilty of the first Article.


2^{dly}, ‘ If to agree and consent with the whole State of the Kingdom, by Vote, to ordain and make Laws for the good Government of his Majesty’s Subjects, in Peace and dutiful Obedience to their lawful Sovereign, be to introduce an arbitrary and tyrannical Form of Government in the State; then am I guilty of this Article.

3^{dly}, ‘ If to consent, by Vote with the Parliament, to raise a Guard, or Train’d Band, to secure and defend the Persons of the Members thereof, being invironed and beset with many Dangers in the Absence of the King; and, by Vote with the House, in willing Obedience to the Royal Command of his Sacred Majesty, at his Return, be actually to levy Arms against the King; then am I guilty of this Article.

4^{thly}, ‘ If to join with the Parliament of *England*, by free Vote, to crave brotherly Assistance from *Scotland*, (Kingdoms both under Obedience to one Sovereign, both his loyal Subjects) to suppress the Rebellion in *Ireland*, which lies gasping every Day in Danger to be lost from his Majesty’s Subjection, be to invite and encourage a foreign Power to invade this Kingdom; then am I guilty of High Treason.

5^{thly}, ‘ If to agree with the greatest and wisest Council of State, to suppress unlawful Tumults and riotous Assemblies; to agree with the House, by Vote, to all Orders, Edicts, and Declarations for their repelling, be to raise and countenance them in their unlawful Actions; then am I guilty of this Article.

6^{thly},

6thly, ' If by free Vote, to join with the Parlia- An. 17. Car. I.
ment in publishing of a Remonstrance; in setting 1641.
forth Declarations against Delinquents in the State; 
against Incendiaries between his Majesty and his January.
Kingdom; against ill Counsellors which labour to
avert his Majesty's Affection from Parliaments;
against those ill-affected Bishops that have inno-
vated our Religion; oppressed painful, learned, and
godly Ministers, with vexatious Suits and Molesta-
tions in their unjust Courts; by cruel Sentences of
Pillory and cutting off their Ears; by great Fines,
Banishments, and perpetual Imprisonment; if this,
Mr. Speaker, be to cast Aspersions upon his Maje-
sty and his Government, and to alienate the Hearts
of his loyal Subjects, good Protestants and well-
affected in Religion, from their due Obedience to
his Royal Majesty; then am I guilty of this Article.

7thly, ' If to consent, by Vote with the Parlia-
ment, to put forth Proclamations, or to send De-
clarations to his Majesty's Army, to animate and
encourage the same to his loyal Obedience; to give
so many Subsidies, and raise so many great Sums
of Money, willingly, for their keeping on Foot to
serve his Majesty upon his Royal Command, on
any Occasion; to apprehend and attach, as Delin-
quents, such Persons in the same as are disaffected
both to his Sacred Person, his Crown and Dignity,
to his wise and great Council of Parliament; to
the true and orthodox Doctrine of the Church of
England, and the true Religion, grounded on the
Doctrine of *Christ* himself, and established and
confirmed by many Acts of Parliament in the
Reigns of King *Henry VIII.* King *Edward VI.*
Queen *Elizabeth*, and King *James*, of blessed Me-
mory: If this, Mr. Speaker, be to draw his Ma-
jesty's Army into Disobedience, and side with us in
our Designs; then am I guilty of this Article.

' Now, Mr. Speaker, having given you a Touch
concerning these Articles, comparing them with
my Actions ever since I had the Honour to sit in this
House as a Member thereof, I humbly crave your
Consideration and favourable Judgment of them;
not

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not doubting, they being weighed in the even Scales of your Wisdom, I shall be found innocent and clear from these Crimes laid to my Charge.

‘ Mr. Speaker, I humbly crave your further Patience, to speak somewhat concerning the exhibiting of this Charge; which is to offer to your Consideration these Questions, *viz.*

1st, ‘ Whether to exhibit Articles of High Treason by his Majesty’s own Hands, in this House, agrees with the Rights and Privileges thereof?

2^{dly}, ‘ Whether for a Guard arm’d to come into the Parliament, to accuse any of the Members thereof, be not a Breach of the Privilege of Parliament?

3^{dly}, ‘ Whether any of the Members of Parliament, being so accused, may be committed upon such Accusation, without the whole Consent thereof?

4^{thly}, ‘ Whether a Parliament hath not Privilege to bail any Member so accused?

5^{thly} and lastly, ‘ Whether if any of the Members of Parliament so charged, and by the House discharged, without Release from his Majesty, may still sit in the House as Members of the same. “

‘ And thus, Mr. Speaker, I humbly crave Pardon for my Presumption in so far troubling this Honourable House, desiring their favourable Consideration of all my Actions; and that I may have such Trial as to this wise Council shall seem meet, chearfully submitting myself and Actions to the righteous Judgment of the same.’

Sir Arthur Haselrigge’s Speech was as follows “:

Mr. Speaker,

Sir Arthur Haselrigge’s, ‘ **T**His Misfortune of mine seems to me, at the first, exceeding strange; not only in respect of the Crimes laid to my Charge, but most of all having

“ We do not find, by the *Journals*, that the Commons came to any formal Resolution on this or any of the foregoing Questions: They seem to have thought it unnecessary; for it appears from those Authorities, that Mr. Pymme, Mr. Srode, and Mr. Holles were of a Committee (*inter alios*) upon a Bill For enabling the Lords and Commons to adjourn this present Parliament from Place to Place, as they shall see Cause, on the 11th of January, being the first Day of their Meeting after the late Adjournment.

“ Printed by Francis Constable and T. Bennet, London, 1642.

having thereby incurr'd not only the Disfavour but Am. 17. Car. L.
ireful Displeasure of his Sacred Majesty. For the 1641.
first; knowing the Innocency and Integrity of my
Heart, that it is free from any such Crime, either
in Thought, Word, or Deed, against either my
gracious Sovereign, or my native Country, I shall
the more easily bear the Burden of the Charge;
but to groan under the Burden of a most pious and
wise Prince's Displeasure, wounds me sore.

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‘ Mr. Speaker, I humbly desire so much Favour
of this Honourable House, of which I have the Hap-
piness to be a Member, to speak something of my
Innocence in all these Crimes I am charged with.

‘ This Honourable House, Mr. Speaker, can,
I hope, witness for me the Manner of my Carriage
and Disposition in any Debate or Arguments
wherein I have been one. I hope nothing hath
proceeded from me that can come, any ways, with-
in the Compass of Treason.

‘ In all Disputes and Conclusions of any Matter
by Vote of the House, my Vote hath commonly
agreed with the major Part; then I hope my Vote
in Parliament, being free, cannot be Treason.

‘ Mr. Speaker, the Articles, that are exhibited
against me and the other Gentlemen, are of a most
dangerous and pernicious Consequence, if we should
be found guilty of them; which God defend. I
would to God those Persons that incensed his Ma-
jesty against us, which is easily conceived who they
are, were as free from Thoughts and Words, nay
Actions, within the Limits of Treason, as I hope
we shall prove ourselves, by God's Blessing.

‘ Mr. Speaker, it is alledged we have endea-
voured to subvert the Fundamental Laws of this
Land, abridge the King's Power, and deny his
Royal Prerogatives. Give me Leave, I beseech
you, to speak concerning this Article.

‘ There are not, as I conceive, two Forms of Go-
vernment in this Kingdom; there are not two Sorts
of Fundamental Laws: There is but one Form of
Government; one Sort of Fundamental Laws;
that is, the Common Law of this Land, and Acts,
Sta-

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two, Mr. Speaker, depend and hang one upon another, so that they cannot be separated; and he that subverts the one, breaks and infringes the Privileges of the other; and he that breaks the Privileges of the one, subverts the other. Now, under Favour, Mr. Speaker, to speak freely in Parliament, freely called and assembled by his Majesty's most Royal Authority; to vote freely in the same, upon the Conclusion of any Bill to be made a Law by the whole Consent of Parliament, and assented to by his Majesty; to agree in voting, with the whole Parliament, against Delinquents and Malefactors in the State, to bring them to condign Punishment for the same; to give my Vote, in the House, for removing evil Counsellors from his Sacred Majesty, and to place loyal and faithful ones in their Place; to assent, with the whole State assembled together in Council, for the settling of Peace and Tranquility in the same; to ordain and enact such wholesome Laws and Ordinances, whereby his Majesty's good Subjects may be governed in Righteousness and good Obedience; to vote, with the House, for redressing the many Grievances of the Commonwealth: If these be to subvert the Fundamental Laws of the Land, then, Mr. Speaker, am I guilty of this Article in giving my Vote against the Earl of *Strafford*; in voting those Acts already made and passed by his Majesty; in voting against the Bishops; in protesting to maintain the Fundamental Laws of the Land, and the true Protestant Religion, according to the true Doctrine of the Church of *England*. I say then, Mr. Speaker, in this am I guilty of High Treason; but if this be not to subvert the Laws of the Land, then, as I conceive, am I clear from being guilty of this Article: All which I humbly leave to the Consideration of this Honourable House.

‘ Under Favour, Mr. Speaker, I come now to the other Articles of the Charge: I will only recite the Substance of them, for they all harp on one String: To endeavour to bring in an arbitrary and tyrannical Form of Government: To invite Tumults.

mults and unlawful Resorts of Multitudes of People to the Parliament, to be a Colour for our Designs: To raise Forces and Armies in this Land to assist us in our Practices: To invite foreign Princes to bring an Army into the Land: To endeavour, by Declarations, Proclamations, and otherwise, to alienate the Hearts of his Majesty's loyal Subjects from their lawful Sovereign, thereby to avert their due Obedience from him; and, having an evil Opinion of his Sacred Majesty, to persuade them to side with us, and take our Parts to effect our Designs. Give me Leave, I beseech you, to speak concerning these Crimes:

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‘ And *first*, Mr. Speaker, to endeavour to bring in an arbitrary Power and tyrannical Form of Government in the Subject, is to deny Parliamentary Proceedings: To oppose the Laws enacted by Parliaments; to incense his Majesty against Parliaments; to protest and petition against the Proceedings thereof; is to bring in an arbitrary Form of Government: But to agree with the Parliament, being a Member thereof, by Vote, to make and enact Laws, I conceive this cannot be termed arbitrary; neither, I persuade myself, can the Effects thereof be tyrannical.

Secondly, ‘ Concerning the late Tumults about the House, I am innocent thereof; neither came they by my Invitation or Encouragement; I always thought their Resorts, in that Sort, were illegal and riotous: I have voted with this House for their suppressing; have assented to all Orders for their appeasing; agreed with the Parliament, in all Things, concerning their Petitions and Requests: Then I hope this Honourable House will not conceive me guilty of this Crime: If it be one, and granted, yet I conceive far without the Limits of Treason, for these Reasons:

1st, ‘ They came not with Arms to force any Thing to be done in Parliament; but humbly, by Petition, shewed their Grievances, and desired Redress thereof; which is one Privilege, and one of the

An. 17. Car. I. the greatest, to make their Grievs known to a Parliament, and by them to be relieved.

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2dly, ' They offered no Assault; but, being assaulted, preserved themselves, and departed.

3dly, ' The Matter of their Clamour was not against the King, nor any of his Council; it was not against the Lords, nor the House of Commons; it was only against Delinquents, against such as had been the greatest Oppressors of them.

Thirdly, ' I come, in a Word, to the other Articles of the Charge, which I intend to speak of, under Favour, altogether:

' I pray you, who raised any Army, actually, in this Land but the Train'd Bands; which was done by the Parliament, for the Security of their own Persons in the King's Absence; and, in Obedience to his Commands, at his Return home, they were discharged, and afterwards again raised by his Majesty's own Royal Authority? And for inviting or procuring any foreign Princes to aid me with an Army, I am altogether innocent therein; I know of no Aid requir'd but from *Scotland*, which is done by the Parliament; my Vote, as a Member thereof, only agreeing with them in the same; and that Aid is procured for his Majesty's Assistance, in subduing the Rebellion in *Ireland*, and, as I conceive, for no other Purpose. And for the last Article wherewith I am charged, I hope to be cleared by this whole House: For what Declarations, or Proclamations, have been published but by Authority of the Parliament, join'd with his Majesty's most Royal Power and Assent thereunto? It is manifest to all People that nothing is published by the Parliament, or any of the Members thereof, but tendeth to the Winning of the Hearts of his Majesty's Subjects to dutiful Obedience, to intire Love and tender Affection, towards their gracious Sovereign. And I dare confidently say, that there is none of his Majesty's Subjects, that are true Protestants and well affected to Religion, but, upon the least Command of his Majesty will spend their dearest Blood

in

in Defence of his Majesty's Sacred Person, his Queen and Princely Issue; the Laws and Constitutions of this Kingdom; Parliaments and the Rights and Privileges thereof; Religion and the Doctrine of the Church of *England*: And, therefore, I conceive I am far from intending any Treason either against his Majesty or his Kingdoms.

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' Thus craving Pardon for my Presumption, I humbly thank this Honourable House for their Patience; beseeching them to have a good Opinion of me and my Actions, that I may receive such Trial as to their Wisdoms shall seem meet; with my hearty Prayers for the happy Continuance of this Parliament, to effect and finish such great Matters, both in Church and State, as may advance God's Glory; settle all Things, in a right Frame, for the good Government of these Kingdoms, and the everlasting Peace and Tranquility of his Majesty and his Posterity.'

We do not find that Mr. *Holles* made any Speech upon this Occasion, but Mr. *Strode*'s was as follows. *

Mr. Speaker,

' IT is the Saying of the Wise Man, even of a King, *Solomon*, the wisest of all Kings that ever reign'd on this Earth, *That in the Countenance of the King is Life and Death*; like to the Sun, which, by the sending forth of his glorious Beams upon the Fruits of the Earth, nourisheth, and causeth the same to fructify and grow, gives Vigour and Strength to all the Creatures that live in and upon the same; and, by withdrawing his Light, being overshadowed with Clouds, keeps back the Growing and Flourishing of the Creature; yea, and by Continuance in that his hidden Motion, procureth at last the utter Withering and Perishing thereof.

' His gracious Majesty is our Sun and Comforter; at such Time as his glorious Beams of Grace and Favour reflect upon his good Subjects, they increase

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* By the same Printer as Sir *Arthur Haselrigge*'s, 1642.

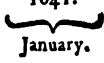
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1. and grow in an intire and tender Affection towards his Majesty, so that no Distempers, or Troubles whatsoever, can separate between him and them. But this our Sun, when over-shadowed with Clouds, and Mists of Discontent and Disfavour towards his People, causeth them to wander in Obscurity and Darkeness, even ready to faint and despair of any Design they take in hand, for the Safety and Security of his Majesty and his Kingdoms; yea, strikes them, as it were, with Death and utter Destruction.

‘ Mr. Speaker, I persuade myself our gracious Sovereign, in his own natural Disposition, is altogether bright and comfortable; he never causeth, or attracts to himself, any Discontent towards his loving Subjects, but by Suggestion, Information, or Instigation, of malignant Spirits, disaffected both to the Tranquility and Peace of his Majesty and the whole State of this Kingdom.

‘ It is, Mr. Speaker, the Policy only of desperate and evil-minded Persons, that have been the only Troublers of our *Israel*, finding themselves in Danger (by calling of them to an Account for their Misdeeds and Misdemeanors) to be brought to Punishment for the same, to cast Aspersions upon those faithful Counsellors of the King and State, who strive to prevent their malicious and wicked Designs from overthrowing and destroying the same.

‘ It cannot, Sir, enter into my Thoughts that ever his Majesty, of himself, could have gone about to interrupt and hinder the happy Proceedings of this his great and wise Council (whose Endeavours are altogether to maintain the Honour and Dignity, the Peace and Safety, of his Royal Majesty and his Kingdoms, by removing such Impediments and Hinderances as have, hitherto, prevented the Establishing of true Religion in this Church, congruent to the Doctrine of *Christ* and his Apostles, set down and manifested in Sacred Writ) by accusing and impeaching the Members thereof of High Treason; as if they, whose Hearts are united to their lawful Sovereign, by Nature bound to the
De-

Defence and Security of their Country, and, by An. 17. Car. I.
Covenant with God, tied to the Maintenance of 1641.
his true Religion, should be the Betrayers and Destroyers of them all together. 

‘ These Articles, Mr. Speaker, exhibited against myself and the other Gentlemen, are, I conceive, not really intended against us as if we were actually guilty of the same; but only to procure our Absence from this Honourable House, that we may not have our free Votes in the Trial of the twelve Bishops accused; by whom, I verily believe, these Articles were drawn; and, only by their Advice, and such as favour their Cause, exhibited. And I persuade myself, were we to be apprehended and taken from this House, under Pretence of Trial, we should, by Force, immediately be cut off; although his Majesty conceives, and is really minded, we should be legally proceeded against; of such Powerfulness are those Persons that were the Authors of them.

‘ Mr. Speaker, these Articles, if we were actually guilty, are, many of them, I confess, High Treason; as to endeavour to subvert the Fundamental Laws; to introduce an arbitrary Form of Government in the State; actually to levy War against the King; to procure foreign Aid to invade this Land; and the like. I need not speak much to clear myself of these Crimes. I hope this Honourable House will make such a favourable Construction of all my Actions, since I have had the Honour to sit in the same, that it will be manifest to all the World, that they have been far without the Compass of Treason either against my King or Country.

‘ And, Mr. Speaker, if it shall be conceived by this Honourable Assembly, (as learnedly it hath already been delivered by that worthy Gentleman that spake first) That, as Members of a Parliament, to agree with the same in all their Votes, for the Punishment of Delinquents, settling of Religion, securing of their own Persons by a Guard, or desiring Assistance of our Brethren in *Scotland* to suppress the Rebellion in *Ireland*, be Treason, then,

An. 17. Car. I. I think, we are all guilty of these Articles; otherwise we are clear and innocent of the same.

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‘ Mr. Speaker, I humbly desire of this Honourable House, that I may have a speedy Trial upon the same; that, as I shall be found guilty by the Judgment of this High Court, I may know my Sentence, which I shall willingly submit unto; be it to my Condemnation, or Preservation; wishing and praying with all my Heart, that none of these evil and malicious Designs, in Agitation against the Parliament, by any malignant Persons whatsoever, may take Effect to hinder the blessed Proceedings thereof; but that you may go on, with Courage and Chearfulness, to settle all Things aright, both in Church and State, for the Government thereof in perpetual Peace and Tranquility.’

There are also extant, in single Pamphlets of the Times^y, the following Speeches of Mr. *Grimstone*, Mr. *Glynne*, and Mr. *Maynard*, spoken at the before-mentioned Committee of the House of Commons, at the *Guildhall*, none of which are in *Rushworth*.—And first Mr. *Grimstone*.^z

Mr. *Chairman*,^a

Mr. *Grimstone's* Speech in Vindication of the Privileges of Parliament.

THERE are no Courts of Judicature in this Kingdom of *England*, but they have several Rights and Privileges appertaining and belonging unto them; and have such Power and Authority, in the several Jurisdictions of the same Offices, that they may call to an Account, prosecute and bring to Judgment, the Infringers of the same.

‘ Of all these Courts there is none, yea, put them all together, they are not all, of so great Power and Jurisdiction, but remain inferior and subject to the Ordinances and Statutes of the High Court of Parliament.

‘ Sir, of such awful Predominancy is the very Name of a Parliament to this Nation, that it strikes with

^y London, printed by Francis Constable, 1642.

^z Member for Colchester.

^a Serjeant *Wylde*, Knight of the Shire for *Worcester*.

with Terror and Despair all such Evil-doers as are Malefactors in the State: On the contrary Side, it enriches and comforts the drooping Spirits of Men, groaning under the Burden of tyrannical Oppression, inflicted on them unjustly and maliciously, by unmerciful and wicked Men that have usurp'd unto themselves Places and Offices of Power and Authority both in Church and State.

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‘ Sir, this Great and High Court is not only the powerfullst of all other Courts whatsoever, but the prudentest and wisest, made and compacted not only of Men sound in Religion and well learned, but ripe in their Judgments, selected from all Parts of this Kingdom, elected and chosen with the free Consent of the whole Body Politic of the Kingdom: This Great and High Council is not only of such Power and Wisdom, but endued and attended with the most and greatest Privileges thereof, that not only the meanest of his Majesty’s Subjects, but the greatest Personages of the Kingdom, are in Danger, if Infringers of the same, to be call’d in Question, and by them punished; therefore give me Leave, Sir, to speak somewhat of the Privileges in this particular Incident, and appertaining to this wise Senate: And, in speaking thereof, I shall observe these three Particulars:

First, ‘ The Rights and Privileges belonging to the same, in the free Votes and Judicature thereof.

Secondly, ‘ The Rights and Privileges belonging to the Power and Jurisdiction thereof.

Thirdly, ‘ The Rights and Privileges in the Continuance thereof; being freely called and assembled by his Majesty’s Authority, not to be dissolved or broken up untill all Things agitated therein, for the Good both of Church and Commonwealth, be fully concluded and determined.

First, ‘ Sir, concerning the Privileges of a Parliament, belonging to the free Votes and Judicature thereof, I shall observe these three Particulars:

1st, ‘ To speak freely, without Interruption or Contradiction, in any Debate, Dispute, or Argument, upon any Business agitated in the same, be-

An. 17. Car. I. ing a Member thereof, I conceive to be one Privilege of a Parliament.

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2dly, 'Not to be questioned, on any such free Dispute, Argument, or Debate; nor to be tax'd or accused for the same, either during the free Sitting thereof, or after, is another Privilege of Parliament.

3dly, 'Freely to give Vote, Judgment, or Sentence, upon the reading of any Bill to be made a Law, or any Bill, either of Attainder or other Charge, against Delinquents and criminous Persons against the State, at their Trial upon the same, is a third Privilege of Parliament.

4thly, 'To defend and maintain the free Vote, Judgments and Sentences of the whole House, by Protestation, Remonstrance, or other Declaration, if not consented unto, or opposed by the House of Lords, is a fourth Privilege.

5thly, 'For any Member of the House, not to be accused of any Crime, or impeached for Treason by any Person whatsoever, during the Continuance of the Parliament, for Things done in the same, without legal Accusation, and Prosecution of any such Member by the whole House, is another Privilege of Parliament.

6thly, 'Not to be apprehended upon such Impeachment, or arrested by any Officer; or to have their Studies broken open, or Books and Writings seized upon, without Consent or Warrant of the whole Parliament, is another Privilege of the same. And thus much, Sir, shall suffice to be spoken concerning the Privileges and Rights of Parliament, appertaining to the Subjects of which I am to speak.

'I come now to the *Second* Thing I proposed to your Audience, which was, The Rights and Privileges belonging to the Power and Jurisdiction of the Parliament, in which I shall observe these Particulars :

1st, 'To consult and consider of what Laws are fit to be made and enacted in this Kingdom, for the good Government thereof, is one Privilege belonging to the Power and Jurisdiction of this High Court.

2dly,

2dly, ' To justify or abrogate, repeal or make void, to ratify and confirm, establish and maintain, Laws, Statutes, and Ordinances, made and enacted by precedent Parliaments, by Councils of State, or other Courts of Judicature, is a second Privilege pertaining to the Power and Jurisdiction of the Parliament.

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3dly, ' To give Subsidies, to raise Taxes, to impose Loans, and other Charges upon the Subject, is another Privilege belonging to the Power and Jurisdiction of the Parliament.

4thly, ' To accuse or impeach any Incendiaries or Delinquents in this Kingdom of any Crime notorious, tending to the Prejudice of his Majesty, or any of his loyal Subjects, whether it be for Treason or otherwise, be they Members of the Parliament or not, is another Privilege belonging to the Power and Jurisdiction of the Parliament.

5thly, ' To prosecute and bring to Judgment such Persons so accused, or impeached for any Crime whatsoever, is another Privilege belonging to the Power and Jurisdiction of this Court. And thus much of the Rights and Privileges belonging to the Power and Jurisdiction of a Parliament.

' And now, Sir, I come to the last Thing I mention'd to you, concerning the Privileges belonging to the Continuance and free sitting of a Parliament, till all Things be concluded on for the good Government of Church and State ; in which I shall also observe these Particulars :

1st, ' That for a Parliament, when freely called and assembled by Royal Authority, not to be compelled to debate any one particular Business appointed by any Person whatsoever, is one Privilege belonging to the Continuance of a Parliament.

2dly, ' Not to break off or dissolve a free Parliament, untill all the Grievances and Oppression of all his Majesty's loyal Subjects be fully redressed and remedied, is a second Privilege belonging to the Continuance of a Parliament : As is, also,

3dly, ' Not to break off or dissolve a free Parliament, till all Incendiaries and Delinquents in the

An. 17. Car. I. the State be brought to condign Punishment for their Crimes: And,

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4^{thly}, 'Not to accuse or impeach any Member of the Parliament, thereby to hinder and interrupt the legal Proceedings thereof, in the weighty Affairs of the Commonwealth, is another Privilege belonging to the Continuance of a Parliament.

'And thus having briefly declared to you the Power and Jurisdiction of a Parliament, above all other Courts of Judicature in this Land; the Wisdom and Policy of a Parliament, above all other Councils; the Rights and Privileges of a Parliament, in respect of the free Votes and Judicature thereof; the Power and Jurisdiction thereof; and the free Continuance thereof; I humbly leave to the Consideration of this House, Whether the Accusation of the Gentlemen, accused by his Majesty, and the illegal breaking open, upon this their Accusation, of their Chambers, Trunks, and Studies, be not a Breach of some of the Privileges of Parliament which I have mentioned unto you.'

Mr. *Glyme's* Speech upon the same Occasionⁿ.

Mr. *Chairman*,

Mr. *Glyme's* on
the same Subject.

WE fit now upon that grand Business of the Breaches of the Rights and Privileges of Parliaments, which are so many and great; so carefully preserved and defended in former Times, by severely punishing the Infringers thereof; that I had thought and conceived that no Subject, of what Degree or Dignity soever, would either in their own Persons, or by misinforming his Majesty concerning the same, have presumed to have intrenched, in the least Measure, upon the free Liberty, Rights, and very Being of Parliaments, or tending to the Breach thereof. But, Sir, I perceive by the Perverseness of divers Persons in Places of Authority, that they dare not only presume to provoke his Majesty by their political Misinformations, but dare attempt, of themselves, to resist the lawful Power

ⁿ Member for *Westminster*.

Power both of the King and his High Court of Parliament. An. 17. Car. I. 1641.

‘ Sir, these Men (notwithstanding they apparently perceive that their wicked Practices and malicious Designs cannot take Effect according to their Expectation, but are rejected and detected as well by his Sacred Majesty as his Lords and his whole Council) dare venture to cast Aspersions, and spread abroad evil Reports, not only of the Members, but of the Proceedings of the House of Commons against them and others of their Adherents and Favourites in their wicked and desperate Actions and Designs against their lawful Sovereign and his liege People.

‘ I conceive, Sir, did these Persons but remember the many Precedents, yet extant, of the just and deserv’d Punishments, inflicted by former Parliaments, upon such Miscreants; as witness the Archbishop of *York*, the Earl of *Suffolk*, Chief Justice *Belknap*, and the rest of that Conspiracy, in the Reign of King *Richard II.* they would have prejudged to themselves the like Danger would follow upon them for their evil Actions °.

‘ Nay, Sir, did these Men but consider with themselves the just Judgments of God that have immediately lighted upon the Necks of such as have been the Troublers of Kingdoms and Commonwealths, whereof they have been Members, as well recorded in Sacred Writ as of late Times in this Kingdom yet still fresh in Memory, they would have laid their Hands upon their Mouths and Hearts when they went about to speak or do any Thing tending to the Dishonour of Almighty God; in innovating of his true Religion, and corrupting the sincere Doctrine and Discipline of *Christ* and his Apostles; as also any Thing tending to the Dishonour and perpetual Destruction of his Royal Majesty, (however otherwise they may pretend) the Fundamental Laws and Liberties of this Kingdom, the Rights and Privileges of Parliament, and the very Being thereof: But surely, Sir, they are altogether

° The Proceedings at large, hereupon, are in our First Volume, Anno 11. Ric, II. & seq.

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gether benumbed and stupified, their Consciences dead and seared, their Lives and Conversations altogether devoted to the Works of Darknes and Impurity; their Desires altogether sensual, carnal, and devilish; forgetting God, kicking and spurning, with Maliciousness, against all Piety and Godliness; or else they would never have adventured to practise such Things, as it is too manifest they have done.

‘ Sir, I intend to be brief in that which I am to speak, concerning the Breaches of the Privileges of Parliament.

First, ‘ To inform his Majesty of any Proceedings in the House of Commons, upon any Business whatsoever, before they have concluded, finished, and made ready the same to present to his Majesty, for his Royal Assent thereunto, is a Breach of the Privileges of Parliament.

Secondly, ‘ To misinform his Majesty, contrary to the Proceedings in Parliament, thereby to incense and provoke him against the same, is a Breach of Privilege of Parliament.

Thirdly, ‘ To cause or procure any Information or Accusation to be brought or preferred, without the Knowledge or Consent of the Parliament, into the House, against any of the Members thereof, is a Breach of Privilege of Parliament.

Fourthly, ‘ To apprehend any such accused, to imprison their Persons, to seize upon their Goods or Estates, to prosecute and proceed against them, to their Trial and Judgment, to condemn or execute them upon such Accusation, without the Consent or Advice of the Parliament, is a Breach of the Privileges thereof.

Fifthly, ‘ To endeavour to cast an evil Opinion of such Members accused, into the Hearts of his Majesty’s loyal Subjects, whereby they, disaffecting them, may be willing and ready to put in Execution any Command or Warrant for their Apprehension and Imprisonment, is a Breach of the Privileges of Parliament.

Sixthly,

Sixthly, 'For any Officer or Serjeant to come, in open Parliament, to demand and arrest any such Member accused, be it of High Treason or any other Crime whatsoever, without the Knowledge of the whole House, is a Breach of the Privileges of Parliament.

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Seventhly, 'To come to a Parliament, sitting in free Consultation, assisted and guarded with armed Men; and with them, sitting the House, to demand, as it were, *Vi et Armis*, such Members accused, is a Breach of the Privileges of Parliament.

Lastly, 'To procure to be set forth, or to set forth, under his Majesty's Name, any Proclamation or Declaration, prohibiting the Repair of such Persons accused to the Parliament as Members thereof, and to apprehend them in what Place soever they shall be found, without the Advice and Consent of the whole State, assembled and sitting in free Parliament, is a manifest Breach of the Privileges thereof.

'And this, Sir, is all that I have to say concerning this Day's Business, humbly leaving the same to the Consideration of this Honourable Assembly.'

Lastly Mr. *Maynard* ¹ spoke as follows :

Mr. Chairman,

'THE Intermiſſion of Parliaments, ſo long together, hath been the only Cauſe, I confidently believe, of all thoſe Evils and Troubles that have happened upon this and the other his Maſteſty's Kingdoms. The perverſe Nature of Man is ſo froward and crooked, that it is always inclined and bent to do nothing but that which is evil: Without Reſtriction, either by the powerful preaching of the Word of God, wholeſome and pious Diſcipline in the Exerciſe of Religion, and good Laws made for the ſtrict Obſervance and Performance of the ſame, under Pain of ſevere Punishment for not obeying thereof: I ſay, without Reſtraint by ſuch Means,

And Mr. *Maynard*'s.

¹ Member for *Totneſs*.

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Means, the corrupt Nature of the Flesh is not to be curbed; but will go on to the committing of all Manner of Wickedness, both against God, his King, and Country: And, Sir, the only Means to preserve and enjoy the sincere and pure Teaching of God's Word, and pious Discipline, by wholesome Laws enacted and made for that Purpose, is by a Parliament; by that great and wise Council, expert in all the Sciences of good Government, either of a Church or Commonwealth.

' A Parliament, Sir, is the clearest Looking-Glass for a State perfectly to see itself in, that ever was made; there is no Disease, Infirmary, or Misery, that it groans under the Burden of, but in this Glass it may be perspicuously perceived, and the original and prime Causes that have produced the same: This Glass is not only clear and bright to look in, but it is medicinal, and of that sovereign Power and Efficacy, that it can cure and remedy all the Grievances of the Spectators therein, of what Personage, Degree, or Dignity soever they be; of what Condition or Quality soever the Disease be they are infected withall; of what Profession or Function soever, whether spiritual or temporal, they are of, if they do but look herein.

' Be they infected with Pride, Haughtiness of Heart, (if in Places of Authority) exercising Tyranny over the King's good People and loyal Subjects; let them but be brought to look in this Glass, they may have Remedy.

' Be they infected with too much Ease, Idleness, and Plenty, (if of the Clergy) whereby is produced Covetousness, Luxury, Wantonness, Avarice, and all manner of Lasciviousness; neglecting their Duties, in their several Places in the Church, as ordinary Teachers and Dispensers of the Word of God; or, being in Authority and Places of Government in the Church, becoming hoarse and dumb in their Preaching and Dispensation of the Truth of God, according to the spiritual and pure Meaning thereof; or else corrupt in their Doctrine, teaching false Doctrine, not the Word of God,

but

but their own Inventions, or the Inventions and Traditions of others; turning the Truth into a Lye, joining and adding to the same their own Devices, as they are Teachers and Instructors of the People and Children of God; or, as they are in Authority, becoming proud and high-minded, not contented with their spiritual Offices, but usurping to themselves temporal Jurisdiction; exercising Cruelty against those that are faithful and painful Teachers of the Word, and holy in their Lives and Conversations; encouraging vain and idle Persons, scandalous both in their Teaching and in their Lives: These, I say, infected with all these Sores and dangerous Ulcers, looking but into this Glass may receive Cure.

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‘ Be they infected with Bribery, Injustice and Oppression, (be they Judges, or other Officers in Places of Judicature in this Kingdom) in their several Courts over his Majesty’s Subjects, by viewing themselves in this Glass, they may receive Remedy.

‘ Be they infected with subtle Plots, monopolizing Devices, (be they Courtiers, Officers, Customers, or whatsoever else) thereby procuring Grants, Patents, and Monopolies; by them oppressing and excessively charging the Subject, raising and increasing the Rates and Prices of all Commodities, either imported or exported, in this Land; if they look in this Perspective, they may be cured.

‘ Be they infected with Treachery, Conspiracy, or with any other devilish Practice or Design against his Majesty or his Kingdoms, as they are either Papists, Recusants, Priests, and Jesuits; or dissolute and disaffected Protestants; or *Baal’s* Priests, that halt between divers Opinions, in part Protestants, in part Papists, and in part Arminians; if they will but look into this Glass, it will clearly discover and cure them.

‘ And thus, Sir, having spoken something of the Nature of a Parliament, and of the Sovereignty thereof in discovering and curing all Diseases in a Commonwealth, I come to speak a Word or two of the Rights and Privileges appertaining and belonging

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ing to a Parliament. I know right well those Gentlemen who spoke Yesterday¹ have set forth, clearly and learnedly, the Privileges thereof; sufficiently serving, as I conceive, for this Day's Business. I shall only speak concerning that Privilege, which one of them hath already mentioned, 'Not to be questioned or accused, (for or concerning any Vote, Argument, or Dispute, as Members of a Parliament, during the free sitting thereof) either in the Continuance of a Parliament, or after the same be dissolved or broken off, either legally or illegally.' That which I shall only speak of, is the Breach of this grand Privilege of Parliament, as I conceive, by accusing of High Treason those six worthy Members of the same, during the Continuance thereof, for Matters debated on, and done in the same, as Members thereof; and, upon this Accusation, to break open their Chambers, Trunks, and Studies, and seizing on their Books and Writings: These, I conceive, are great Breaches of this Privilege, for these Reasons:

1st, 'If to be questioned for free Debating, or Arguing, in Parliament be no Breach of this Privilege, then we cannot safely intermeddle with, or agitate any Business whatsoever, either concerning Church or State, but what shall be appointed and nominated by his Majesty and his Privy Council; which is a Restriction of the Power of Parliament, given unto the same by the Royal Confirmation of his Majesty, confirming to us, at our Meeting, all our Rights and Privileges.

2^{dly}, 'If to accuse the Members of the Parliament of Treason, for Things done in the House, be not a Breach of this Privilege, then is it dangerous to sit in Parliament upon any Business of Disorders in the State, and Grievances of the Subject, committed by great Personages, as Lords and Bishops; who may, by their subtle Inventions, induce his Majesty to favour their Actions, they pretending all they do is for his Honour, Maintenance of his Prerogative and Royal Power, and the like.

3^{dly},

¹ Mr. Grimstone and Mr. Glynn.

3dly, ' If upon any such Accufation, the Chambers, Trunks, and Studies, of fuch accused Members may be broken open, and their Writings feized on, be not a Breach of this Privilege, then will it altogether difcourage any Man to undertake any Service for the Good of his Country; when he fhall perceive he may, at Pleafure, be bereaved of fuch Means and Helps, as may enable and make him fit for the fame.

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' And now, Sir, having added to the former Speeches what I conceive neceffary to the Bufinefs we have now in Debate, my humble Motion is, That a Declaration may be forthwith drawn, and fet forth in Print, giving Notice to all his Majefty's loyal Subjects of the Privileges of Parliament, and Breaches thereof, by the accusing of thefe Gentlemen, breaking open their Chambers, &c. and endeavouring to apprehend and commit them to Prison; under a certain Punifhment to be inflicted upon thofe that fhall obftinately refufe to obferve the fame.'

The Committee hereupon came to feveral Refolutions in fupport of the Privileges of Parliament; which, upon the Report thereof to the Houfe, were digefted into one Declaration in Form.— This will appear under its proper Date.

As, in the before-mentioned fhort Recess of Parliament, the *Journals* of both Houfes are filent, we fhall refer our Readers to Lord *Clarendon* and Mr. *Rushworth* for what was further done, in this Interval, by the King, or the Committee of the Commons fitting then, firft at the *Guildhall*, and after at *Grocers-Hall*, in *London*. We only think proper to mention, That the accused Members having withdrawn themfelves into the City of *London*, the King went thither on the 5th of *January*; made a Speech to the Common-Council affembled at the *Guildhall*, requiring their Affiftance in apprehending the faid Members; and dined with one of the Sheriffs, where he was nobly entertained. On the 8th he

The King iffues
out a Proclama-
tion for appre-
hending Lord
Kimbolton, &c.

iffued

An. 17. Car. I. issued out a Proclamation, commanding all Magistrates and Officers to apprehend and carry them to the *Tower*. And on the 10th, the Day before the Parliament met again, the King removed himself and Royal Family to *Hampton-Court*; from thence to *Windsor*; and, after several other Removes, went down to *York*, on the 19th of *March* following.

And leaves *London*. Upon this Occasion Mr. *Whitlocke* observes, 'That it was a great Wonder to many prudent Men, that the King should leave this City, the Place of his and his Predecessors usual Residence; where most of his Friends and Servants were about him, the Magazine of all Provisions both for War and Peace, the Place for Intelligence and Supplies, and betake himself to the Country, where these Things were not to be had; and, by his leaving the Town, bring great Disadvantages upon himself and his Affairs: This was thought not to have been done advisedly; but the Fears of those with him, and his own Fears for them, occasioned by great Numbers of People gathered together in a very tumultuous Manner about *Whitehall* and *Westminster*, and his Hopes that, by his Absence, the Heat of the House of Commons might, in some Measure, be cooled, were alledged in Excuse for this Action.'

The Parliament
meet pursuant to
Adjournment.

January 11. This Day both Houses being to meet again at *Westminster*, pursuant to Adjournment, Mr. *Whitlocke*, again, informs us, 'The accused Members were triumphantly brought from *London* to *Westminster* by Water, by a great Number of Citizens and Seamen, in Boats and Barges, with Guns and Flags; braving as they passed by *Whitehall*, and making large Protestations, at *Westminster*, of their Adherence to the Parliament.'

The House of Lords begun Business with a Vote, 'That it was fit and necessary to have a strong and sufficient Guard, for the Security of both Houses, that they may sit in Safety: And that it was a legal Way for the Houses to require the Sheriffs of *Middlesex* and *London* to attend, for that Purpose, with a *Posse Comitatus*.' At the same Time, the King's An-

Answer to the Parliament's last Remonstrance to An. 17. Car. 1.
him for a Guard, was reported to this Effect: 1641.

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WE having considered the Petition of both Houses
of Parliament concerning a Guard, do give
this Answer to it, That we will, to secure their
Fears, command the Lord Mayor of London to ap-
point 200 Men, out of the Train'd Bands of the City,
such as he will be answerable to us for, to wait on the
Houses of Parliament; that is to say, 100 on each
House; and to be commanded by the Earl of Lindsey;
it being most proper to him, as being Lord Great-
Chamberlain, who, by his Place, hath a particular
Charge of the Houses of Parliament, and of whose
Integrity, Courage, and Sufficiency, none can doubt.

They receive the
King's Answer
concerning a
Guard.

The Lord-Keeper acquainted the House, that he
had receiv'd a Letter from the King, commanding
him to attend him at *Windsor*, with all Speed, the
next Morning: Upon which the Lords gave him
Leave to go, and ordered the Lord Chief Justice
to sit as Speaker in his Room.

The Lord *Kimbolton*, one of the accused Mem-
bers, moved the Lords, 'That he lying under so
great a Charge, which concerned his Life, his
Estate, and his Honour which was dearest to him,
the Attorney-General might be commanded to
prosecute the Accusation against him, and he was
ready to answer it: But if the Attorney-General
was not ready, his Lordship said he tendered him-
self to their Disposol and Commands, his own In-
nocency making him thus confident.'

Lord *Kimbolton*
moves for his
Trial.

Mr. Attorney being commanded to speak about
this Matter, along with the other Prosecutions,
said, 'That what he did was by the exprefs Com-
mand of the King, his Master, and not done by
his Advice; but since that, having attended the
King to take his further Directions therein, his
Majesty told him, That when he went out of
Town he would leave somewhat with the Lord-
Keeper to be laid before this House; yet, upon his

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asking

An. 17. Car. I. asking the Lord-Keeper, he told him the King had not left any, but had sent for him to attend him speedily.

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The Lords appoint a Guard for both Houses.

Serjeant-Major *Skippon*, with two Companies of the Train'd Bands, was ordered, by the Lords; to attend both Houses, every Day, for the Security of the Parliament; untill they should give Orders to the contrary.

Orders relating to the Magazine at Hull.

This Day, also, Sir *Philip Stapylton* brought up a Message to the Lords, to acquaint them, ' That the House of Commons were informed that there was then at *Hull* a Magazine of the King's, with Arms for 16,000 Men, and proportionable Ammunition: But in regard no great Strength was in the Town, and that the Country about was full of Papists, ill affected, the Commons desired their Lordships to join with them that some Companies of the Train'd Bands, next to *Hull*, might be forthwith put into that Town, for the Safeguard of it and the Magazine; the said Train'd Bands to be under the Command of Sir *John Hotham*, who had the Command of that Town already, by Patent from the King.' This was agreed to by the Lords, with this Addition, ' That the said Sir *John* should not deliver up the Town of *Hull*, or the Magazine there, or any Part thereof, without the King's Authority signified unto him by the Lords and Commons now assembled in Parliament.'

Ordered, also, That the King be made acquainted with this Order very speedily.

A Bill to enable the Parliament to adjourn themselves to any Place.

The said Sir *Philip*, also, brought up a Bill, intitled, *An Act that the Lords and Commons may adjourn themselves, respectively, to any Place*; which Bill was read three Times in the House of Lords that Day, and passed without any Opposition. The Lord-Keeper was ordered, when he attended the King, to acquaint him with the Order concerning *Hull*; and likewise to move his Majesty, from both Houses, that he would be pleased to give his Royal Assent to the Bill aforesaid, with another for pressing

pressing of Mariners, and a third for redeeming of An. 17. Car. 1.
Captives in *Algiers*. 1641.

January.

A Message was brought from the Commons, to let their Lordships know, That, in regard of the great Jealousies and Distractions of *London*, by Sir *John Byron*'s being Lieutenant of the *Tower*, the Citizens shutting up their Shops and giving over Trade; and, in regard of their good Affections expressed to the Parliament, the House of Commons desired their Lordships to join with them to petition the King that Sir *John Byron* might be forthwith removed from being Lieutenant of the *Tower*; and that Sir *John Conyers* be recommended to his Majesty for that Place.

The Commons desire the Removal of Sir *John Byron* from being Lieutenant of the *Tower*, to which the Lords refuse their Consent.

The Lords taking this Message into Consideration, a great Debate arose; when, at last, on the Question, it was resolved, That this House thinks not fit to join with the Commons in this Petition; and this Vote was immediately sent down to them.

The last Things we shall take Notice of in the Business of this long Day, are Petitions from the County of *Bucks* to both Houses, and entered in their *Journals*. They were brought up to Town by divers Knights, Gentlemen, and Freeholders, to the Number, says Mr. *Rushworth*, of about 4000, riding every Man with a printed Copy of the Protestation, lately taken, in his Hat. Their Petition to the Lords the *Collector* has given us; but has omitted that to the Commons, which stands thus in their *Journals*, and evidently shews the Temper of these Times.

To the Honourable the KNIGHTS, CITIZENS, and BURGESSES of the House of Commons, now assembled in Parliament,

The HUMBLE PETITION of the Inhabitants of the County of *BUCKS*,

Sheweth,

THAT whereas, for many Years past, we have *Buckinghamshire* been under very great Pressures, which are Petition against Bishops, &c.
clearly set forth in the late Remonstrance of the

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House

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House of Commons; the Redress whereof hath for a long Time been by you endeavoured with unwearied Pains, tho' not with answerable Success, having still your Endeavours frustrated or retarded, and we deprived of the Fruit thereof, by a malignant Faction of Popish Lords, Bishops, and others; and now, of late, to take from us all that little Hope which was left of a future Reformation, the very Being of the Parliament shaken; and, by the mischievous Practices of most wicked Counsellors, the Privileges thereof broken in an unexampled Manner, and the Members thereof unassured of their Lives, in whose Safety the Safety of us and our Posterity is involved; we held it our Duty, according to our late Protestation, to defend and maintain the same Persons and Privileges, to the uttermost Expence of our Lives and Estates: To which Purpose we are now come to make the humble Tender of our Service, and remain in Expectation of your Command and Order; to the Execution whereof we shall, with all Alacrity, address ourselves, ready to live by you, or to die at your Feet, against whomsoever shall, in any Sort, illegally attempt upon you.

May it therefore please this Honourable Assembly to assist the ardent Prayer of your Petitioners, that Popish Lords and Bishops may be forthwith outed the House of Peers; that all Privileges of Parliament (yours and our Posterity's Inheritance) may be confirmed to you; and that all evil Counsellors, the Achans of this Commonweal, may be given up to the Hand of Justice; without all which, your Petitioners have not the least Hope of the Kingdom's Peace; or to reap those glorious Advantages, which the fourteen Months Seed-time of your unparallel'd Endeavours have given to their unsatisfied Expectations.

So your Petitioners shall be bound to pray, &c.

We find, by the Journals, that this Petition was extremely agreeable to the Commons.

Jan. 12. Both Houses seem to be in the utmost Confusion; many Informations being given of concealed

sealed Arms, and of Insurrections, &c. This Day An. 17. Car. 1. 1641. the Lords were informed, That there was a Design discovered for killing some of that House this Night; and the Earls of *Northumberland, Essex, Holland, Pembroke, and Leicester*, were particularly named. The Witness to this was one *Francis Moor*, call'd, in the *Journals*, an *Italian*, who overheard some Discourse between two, in that Language, tending thereto. But though the Persons accused were taken up and examined, yet nothing more came of it. January. Several Orders, occasioned by Informations of Insurrections, Plots, &c.

The *Tower of London* was next the Care of both Houses. Informations had been given, that Ammunition and Provisions, in great Quantities, had been carried out and in, &c. Upon this the Lords agreed with the Request of the Commons, That a convenient Guard might be put round the *Tower*, both by Land and Water, under the Command of Major-General *Skippon*; and that the Common-Council of *London* might be made acquainted with this Order.

The Lieutenant of the *Tower* being likewise sent for to attend both Houses, he gave this Answer to the Message, ' That he was very ready to attend the Parliament, according to their Order; but he conceived he could not come without his Majesty's Leave first obtained, in respect he had received a Warrant from him, with a Command not to depart out of the *Tower* without his Leave, but to reside there.' A Copy of which Warrant the said Lieutenant sent to the Parliament. The Lieutenant of the Tower sent for by the Lords, but refuses to come.

The Lords thought this Refusal of the Lieutenant's to come, a high Contempt of the Order of that House, notwithstanding the King's Warrant; because the King's Command is always supposed to be implied in an Order of their House.

After some Debate, the Lords sent a Message to the Commons to acquaint them with this Affair; who soon after return'd their Lordships these Votes;

1. ' That Sir *John Byron*, the now Lieutenant of the *Tower*, hath committed a high Contempt against the Authority and Privileges of Parliament, by refusing to appear upon the Summons of Parliament.

N 3

2. ' That

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2. 'That Sir *John Byren* shall be sent for as a Delinquent.'

To the first Vote the Lords agreed, but demurred to the second for that Time.

A Message was brought up from the Commons, That Col. *Lunsford* and the Lord *Digby* had appeared in Arms, at *Kingston* upon *Thames*, to the Terror and Affright of his Majesty's Subjects, &c. and to desire their Lordships that Lord *Digby* might be sent for to attend their Service, as a Member of that House. The Lords answered, That they would send for him, if he was at *Kingston* or at Court; but if he was gone to *Sherborn*, in *Dorsetshire*, to fetch his Lady, he had Leave to do it.

The Earl of *Southampton* dropping some Words, this Day, in a Debate, 'That the Parliament had neglected their Duty to the King, for the Safety of his Person,' he was call'd upon to explain them. After which it was resolved, upon the Question, *Nem. Con.* 'That this Parliament hath perform'd their Duty to the King, for the Safety of his Person; and that the Earl had satisfied the House with his Explanation.

Jan. 13. Some further Regulations were made, in the House of Lords, for the Security of the City of *London*, and the neighbouring Counties; against Lord *Digby's* Insurrection at *Kingston*.

The King's Answer concerning the Magazine at *Hull*, &c.

The same Day, the Lord-Keeper reported, 'That he had waited on the King, according to their Lordships Commands, and had moved his Majesty, from both Houses, to be pleased to give his Royal Assent to the three Bills lately passed: And had likewise acquainted him with the Order made concerning the putting of Sir *John Hotbarn* into *Hull*, for the Security of that Town and the Magazine there; to which his Majesty return'd these Answers:

1. 'Concerning the Bill for pressing of Mariners, and that for the Captives at *Algiers*, his Majesty is content to give his Assent to them; and, for that

‘ that Purpose, had given Warrant for a Commis-
 sion : But, for the Bill for giving Power to the
 Houses to adjourn to *London*, &c. his Majesty
 says, in regard that neither he, nor any of his
 Council had seen it, he would take some Time
 to consider of it, before he resolved any Thing
 therein. For the Fears concerning *Hull*, his
 Majesty hath formerly considered the same ; and
 hath already taken special Care for the Security
 of that Place from the adjoining Papists.’

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The Lord-Keeper also reported what his Majesty had commanded him to deliver, concerning the Lord *Kimbolton* and the five Members.

‘ That his Majesty taking Notice that some think it disputable, whether this Proceeding against that Lord and those Gentlemen be legal, and agreeable to the Privileges of Parliament ; and being very desirous to give Satisfaction to all Men in all Matters that may seem to have Relation to Privilege ; he is pleased to wave his former Proceedings ; and all Doubts being by this Means settled, when the Minds of Men are composed, he intends to proceed therein in an unquestionable Way ; and assures his Parliament that, upon all Occasions, he will be as careful of their Privileges, as of his Life and his Crown.’

His Declaration,
 waving any present Proceeding
 against the accused Members.

This Answer from the King was ordered to be communicated to the House of Commons.

We meet with the following Speech of the Earl of *Monmouth*, this Day, in the House of Lords, on occasion of the King’s having withdrawn himself from *Whitehall*.

My Lords,

‘ I Shall desire to be heard speak a few Words, which I would much rather have heard spoken by any of your Lordships, that so they might have had a happier and a more handsome Expression ; tho’ with a better Heart, and clearer Intentions, they could not have been spoken.’

Earl of Monmouth’s Speech
 for the King’s
 Return to Whitehall.

‘ The

• London, printed for J. Benson, 1642.

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‘ The sad Condition we are now in, my Lords, is such as is too apparent to any Man, who hath but half an Eye: The City of *London* is full of Jealousies and Apprehensions; we sit not here free from Fears; the King hath withdrawn himself from hence, together with his Queen and Children, out of a Belief, as I conceive, that his Majesty’s Person was not safe here. While Things continue in this Posture, my Lords, we may well fear an impairing, but we can hardly hope for the bettering of Affairs. God hath placed us, my Lords, in the *Medium* betwixt the King and his People; let us play our Parts, my Lords; let us do our Duties, and discharge our Consciences; let us really prove ourselves what we are by Name, Noblemen; let us endeavour to work a perfect and a true Understanding between the King and his People; let us freely unbosom ourselves to his Majesty; and desire that his Majesty will be pleased to do so to us; and to this End, my Lords, which is the End of my Motion, if it shall be approved of by your Lordships, I do humbly move, That, by Way of Conference, or any other Way, we may desire the House of Commons to join with us; first, in an humble Petition to his Majesty, that he would be graciously pleased to return to his good City of *London*, as the safest Place, we conceive, for his Sacred Person in these distemper’d Times; and, then, that they will likewise join with us in a Profession, or Protestation, that we will do what in us lies to free his Majesty from his Fears; to take from the Citizens of *London*, and his Majesty’s other Subjects, their Jealousies and Apprehensions; and that we will live and die his Majesty’s faithful Advisers, Counsellors, and loyal Subjects.’

The Event of this Motion does not appear by the *Journals*.

The Lieutenant of the *Tower* being, at last, come to the House, was brought to the Bar; and being ask’d, why he committed the high Contempt Yesterday, he answered, ‘ That he was in a Dilemma between

tween his Majesty's Commands and their Lordships An. 17. Car. 1.
Order; but he understanding since that the King's 1641.
Command is involved in that Order, and was one in
Effect, he desired their Lordships Pardon for his not
coming Yesterday; professing he did it not out of
any Disobedience or Contempt of the Parliament.
This Answer was sent to the Commons, and the
same Day the Lieutenant was dismissed his Attend-
ance on the Lords for that Time.

The Attorney-General was then heard what he
could say to justify himself, for charging the Lord
Kimbolton and the five Members, and to prove it
was a Parliamentary Proceeding, and no Breach of
Privilege.

And, first, he said, ' That for the Matter of the The Attorney-
Charge, and the framing of the Articles, he had no- General examin-
thing to do with them, neither did his Majesty ad- ed in relation to
vise with him therein; but the bringing of the the Proceedings
Charge into that House, which he did by his Ma- against Lord
jesty's Command, and only in Obedience there- *Kimbolton, &c.*
unto: And, for the Legality of this Proceeding, he
insisted upon, and opened at large, the whole Pro-
ceedings of the King's Attorney in the Earl of
Bristol's Case, secundo Caroli; which being done,
the House appointed to take that Business into fur-
ther Consideration the next Day.

The Lord *Kimbolton*, upon his Majesty's late
Message concerning himself and the five Members,
moved, ' That since his Majesty waved the former
Proceeding, the House would become Suitors to
his Majesty that he might be brought to as speedy
a Trial as possible, that so he might not lye under
this Accusation; but be cleared or judged.'

The Commons also having desired Liberty to
examine the Attorney-General, upon certain In-
terrogatories, he made it his humble Request to the
Lords, ' That he might be excused from answering
to any Questions to discover what the King had
committed to him as secret Counsel, which, by his
Oath, he was bound not to reveal; but what con-
cerned himself he would willingly and ingenuously
answer to.' And it was the Sense of the House,
That

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That if Mr. Attorney, at the Conference, should desire not to answer to some Questions that may be asked him, the House will take it into Consideration whether it be fit for him to answer or not.

A Message from the House of Commons was brought up, this Day, to the Lords, by Mr. *Whitlocke*, with a Declaration for putting the Kingdom into a Posture of Defence; which, having passed their House, they desir'd their Lordships to join with them therein, that it might be dispersed throughout the Kingdom. This Declaration was as follows: *

The Commons
 Declaration for
 putting the
 Kingdom into a
 Posture of De-
 fence.

‘ **W** Hereas the Papists, and other ill-affected
 ‘ Persons within this Kingdom, both be-
 ‘ fore and since this Parliament, by many wicked
 ‘ and traiterous Designs, mentioned in a Remon-
 ‘ strance of the State of this Kingdom, have plot-
 ‘ ted and laboured the Confusion of this State and
 ‘ Government; the Subversion of the antient and
 ‘ Fundamental Laws of this Kingdom, and a Di-
 ‘ vision of the Body of this Commonwealth from
 ‘ the Head thereof; to the end they might the bet-
 ‘ ter effect their devilish and bloody Purposes, for
 ‘ the utter Destruction of the true Reformed Reli-
 ‘ gion and the Professors of the same; and, in fur-
 ‘ ther Pursuance of their wicked Endeavours, have
 ‘ and daily do contrive all possible Means to bring
 ‘ this Kingdom into the like miserable Condition
 ‘ with that of *Ireland*; as does clearly appear to the
 ‘ Lords and Commons in this present Parliament, by
 ‘ sundry Informations and Examinations produced
 ‘ before them: And they, the better to bring the
 ‘ same to pass here, do secretly and cunningly work
 ‘ to raise Distractions in this Kingdom, by high
 ‘ Breaches of the Privileges of Parliament; plotting
 ‘ to have some of the Members thereof, accused
 ‘ of High Treason, and to be taken out of the
 ‘ House of Commons by Force; and, to that End,
 ‘ resorting in great Numbers, in a warlike Manner,
 ‘ to the very Doors of the said House, arm’d with
 ‘ Swords

* From the *Commons Journals*: This extraordinary Declaration, with the Consequences thereof, is not mention’d at all in *Rushworth*,

Swords, Pistols, and other Weapons, ready, and
 intending to fall upon the said House, and cut the
 Throats of the Members there, as by divers Ex-
 aminations clearly appears; whereby this Parlia-
 ment might have been involv'd in Blood and Con-
 fusion, the Relief of the *Irish* Protestants prevent-
 ed, and an evident and speedy Way opened to the
 Ruin of us and our Religion here in this King-
 dom: But failing of their Hopes therein, through
 the great Mercy of God towards us; neverthe-
 less, they still persist in their wicked and traiterous
 Courses, confederating themselves with Strangers,
 and instigating Foreign Princes to join their Coun-
 sels and Forces, and by Invasion from abroad,
 and intestine War here amongst ourselves, to
 waste the Wealth and Substance, and totally to
 annihilate the true Protestant Religion, and the
 whole Frame of Government in all his Majesty's
 Dominions. And, building upon that Founda-
 tion, great Numbers of Soldiers, Papists, and
 other disaffected Persons to our Existence and
 Well-being, have enrolled themselves in a List,
 under the Commands of Persons fit for the Execu-
 cution of their wicked Designs; and have made
 great Preparations of Arms, Ammunition, and
 Victuals in several Parts of the Kingdom; where
 they have likewise had frequent Assemblies to
 consult how they might compass their detestable
 Machinations; and, thro' malignant Counsels,
 have prevailed so far, as to have the *Tower of*
London, and other Places of eminent Strength and
 Trust, to be put into the Hands of such Persons
 as we have just Cause to suspect will adhere to
 them, and turn the Strength of the Kingdom
 against itself:

All which, the Lords and Commons, in this
 present Parliament assembled, as Watchmen
 trusted for the Good and Welfare of the King,
 Church, and State, having taken into their serious
 Consideration, and labouring by all fit Means to
 prevent these great and threatening Dangers to his
 Majesty's Royal Person, to our Religion, Lives,

Li-

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Liberties, and Fortunes, have thought good to give timely Advertisement thereof to all his Majesty's Subjects of the Reformed Protestant Religion; declaring thereby that they hold it necessary and adviseable, that with all Expedition they put themselves into a Posture of Defence, to provide fit Arms and Ammunition, and be ready, on all Occasions, to defend their several Counties from domestic Insurrections or foreign Invasions. And that the Sheriffs, Justices of the Peace, Mayors, and Head-Officers, within their several Liberties, do take Care that their Magazines of Powder, Arms, and other Ammunition be completely furnished; and that they cause strong Guards and Watches to be set in convenient Places to secure themselves, and for the apprehending of such Persons as they shall have just Cause to suspect; and if, upon Examination, any Grounds of Danger shall appear, to give Notice thereof to the Parliament; and that all Officers do take Care that no Soldiers, Arms, or Ammunition, be raised or levied, nor any Castles, Forts, or Magazines, delivered up without his Majesty's Authority signified by both Houses of Parliament.'

Jan. 14. Business began in the House of Lords with reading a general Order for suppressing of Tumults and unlawful Assemblies throughout the Kingdom; wherein Lord *Digby* and Col. *Lansford's* Armament, at *Kingston upon Thames*, was particularly mentioned. This was ordered to be sent down to the Lower House.

This Day the Commons sent up a Remonstrance to the Lords, against the Marquis of *Hertford*; for some Remissness in his Government of the Prince; and to desire their Lordships to join with them in an humble Desire to the King, That he would not, on any Cause whatsoever, suffer the Prince to be conveyed out of the Kingdom, without the Advice and Consent of Parliament.

The

The Lords took into Consideration the Declaration sent up the Day before by the Commons, concerning putting the Kingdom into a Posture of Defence; and, after much Debate, the Question was put, Whether the Preamble of this Declaration should be referred to a Committee to be so drawn, that it may appear to be the Narrative of the House of Commons only, and so published? It passed in the Negative. But though the Lords refused even to commit this Declaration, yet it was resolved to have a Conference with the House of Commons, to hear the Reasons that induced them to make this Narrative therein.

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To which the
Lords refuse their
Concurrence.

The Lord-Keeper acquainted the Lords, That he had just then received a Letter and a Message from the King; both which were ordered to be read, and were in these Words:

My Lord-Keeper,

THIS is to command you to deliver that which is contained within the inclosed Paper, as a Message from me to both Houses; and that instantly, and without Delay. And so I rest

Windsor, Jan. 14.
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Your assured Friend,

CHARLES R.

The Message was as follows:

HIS Majesty being no less tender of the Privileges of Parliament, and thinking himself no less concerned that they be not broken, and that they be asserted and vindicated whensoever they are so, than the Parliament itself, hath thought fit to add to his last Message, this Profession, That in all his Proceedings against the Lord Kimbolton, Mr. Holles, Sir Arthur Haselrige, Mr. Pymme, Mr. Hampden, and Mr. Strode, he had never the least Intention of violating the least Privilege of Parliament; and in case any Doubt of Breach of Privilege remains, he will be willing to clear that, and assert those, by any reasonable Way that his Parliament shall advise him to: Upon Confidence of which he no way doubts his Parliament

The King's second Message relating to the accused Members.

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ment will forthwith lay by all Jealousies, and apply themselves to the public and pressing Affairs, and especially to those of Ireland; wherein the Good of this Kingdom, and the true Religion (which shall ever be his Majesty's first Care) are so highly and so nearly concerned; and his Majesty assures himself, that his Care of their Privileges will increase their Tenderness of his lawful Prerogative, which are so necessary to the mutual Defence of each other; and both which will be the Foundation of a perpetual perfect Intelligence between his Majesty and his Parliament, and of the Happiness and Prosperity of his People.

Ordered, That this Message should be immediately communicated to the Commons at a Conference.

Jan. 15. In a Debate concerning the Lord Digby and the Kingston Business before-mentioned, Sir Philip Stapylton made the following Speech: *

Mr. Speaker,

Sir Philip Stapylton's Speech on Occasion of Lord Digby's and Col. Lunsford's appearing in Arms at Kingston.

IT is the continual Practice of the Devil, after any of his Works of Darkness, and Maliciousness intended against God and his Christ are discovered and annihilated by the special Power of Divine Providence, to practise new; being always striving to increase his own Kingdom, always winning to himself fresh Instruments, to yield to his Suggestions and Temptations, and execute the same.

I am now to speak concerning this new Treachery and Conspiracy, endeavoured to be practised by two eminent Persons; that have, especially the one of them, obtained the Favour not only of their Prince, but applauded for their better Parts by most of his Majesty's Subjects, Lord Digby and Col. Lunsford: The first had the Honour to sit in this House as a Member thereof, so well approved was he both of his King and Country; none more fervent against Evil-doers, at the first, than himself seemed

* From Nalson's Collections: It is not in Rushworth, nor do we meet with it in the Pamphlets of the Times.

seemed to be, both by his Speeches and Disputes; but, in Heart, always, as it seems, favouring the Bishops and their Cause; and although it seemed but a little, yet increasing daily more and more, he grew to such Strength in his Opinion concerning his own Worth, that he adventured to take Part with the Earl of *Strafford*, trusting too much on the same: So high his Pride, that at length he presumed to oppose and set himself against the Proceedings of the whole House against the said Earl, obstinately refusing to be admonished concerning the same; and yet, keeping many of the Lords his Friends, he was, by his Majesty, as a Baron, called to that House; and aspiring yet higher, obtained his Prince's Favour, not yet acquainted with his secret Intentions; by which Means, too confident of Safety and Security in his Designs, he adventured openly to comply with the public Enemies both of King and Country, and especially now, with this other Person of whom I am to speak, this Colonel; who, being by his Majesty advanced to that Dignity and Trust, could not so content himself, but imitating the Water-Toad, seeing the Shadow of a Horse seem bigger than itself, swelled to compare with the same, and so burst; even so this Gentleman, having obtained first this Place of Command, and afterwards Lieutenant of the *Tower*, and being found of such a malignant Spirit that he was unfit and incapable for that great Place of Trust, and therefore removed; taking the same a great Dishonour to his Worth, he now endeavours, by traitorous and desperate Actions, to defend himself, and be reveng'd of his pretended Adversaries; and to that Purpose they have, between them jointly, raised Arms against the State, met together in peaceable Consultations for the Good of the Church and Commonwealth.

Mr. Speaker, these Attempts, made by these Persons, are of dangerous Consequence; and this their Insurrection, (by taking up Arms without Warrant both from his Royal Majesty and this High Court of Parliament, only to do Mischief in raising

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 1641. themselves from being called to an Account for
 { their desperate Actions) will prove harder to ap-
 pease and suppress, than any Troubles we have yet
 suffered.

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‘ Mr. Speaker, I conceive quick Dispatch in our Intentions, for the apprehending and suppressing these Persons, is the only Means to prevent future Danger: And to that Purpose I desire to present to your Considerations these Particulars :

1st, ‘ That Warrants may issue forth for the speedy and private apprehending of them, in what Places soever they shall be found, and immediately to bring them before the Parliament.

2^{dly}, ‘ If this cannot be effected, to issue forth Proclamations for their Calling in, within a certain Time prefix’d, under Penalty of being prosecuted and proceeded against as Traitors to their King and Country.

3^{dly}, ‘ That Warrants be forthwith sent for the guarding and securing of all the Ports of this Kingdom; and for the intercepting of all Packets or Letters intended to be conveyed into foreign Kingdoms, or any brought from thence hither.

4^{thly}, ‘ That Order be sent down into the several Counties of this Kingdom, where it is suspected either of these Persons have any Friends or Favourites, Well-wishers to their Cause; with Command to the Sheriffs, and several Officers of such Counties, to stand upon their Guard, and to raise Force for their own Defence and Safety; and to endeavour, by all Means possible, to apprehend and suppress them and such of their Conspiracy as shall be taken, presently to be sent up to Parliament, to be examined and prosecuted according as they shall be found.

5^{thly}, ‘ That Order may be made by the Parliament, That no Officer, that shall be found to have a Hand in this Plot, may be employ’d in any Service of public Command, either for *Ireland* or any other of his Majesty’s Dominions, or any private Affairs of this Kingdom.

6^{thly},

6thly, ' That we may, without further Delay, An. 17. Car. 1.
1641. proceed to Sentence against all Delinquents, by this Honourable House accused for any Crime whatsoever, in whose Defence, or for whose Cause, these Persons now accused pretend to take up Arms.

7thly, ' That his Majesty may be moved graciously to be pleased to declare himself against these Persons, and all others that do any ways pretend to his Authority or Warrant for what they do.

8thly and lastly, ' His Majesty may be moved to avert his intended Journey to *Portsmouth*, for the Security of his Royal Person, till such Time as these Dangers be removed, and the Peace and Unity of all his Majesty's loyal Subjects be settled.

' And thus, Mr. Speaker, having presented such Things to this House, which I humbly conceive to be necessary to suppress and prevent this new Danger, threatened by these two disaffected and male-contented Persons, the Lord *Digby* and Colonel *Lunsford*, I leave the same to the further Consideration of this Honourable House; desiring, from my Heart, that it would please God to end all the Troubles and Distempers of this Commonwealth; and that this High Court of Parliament may prove the firm Settlement of all Things amiss, both in Church and State.'

The Effect of this Speech will be seen in the Sequel.

The same Day, *Jan. 15*, a Conference was held between the two Houses, at the Desire of the Commons, concerning the *Tower of London*; wherein they renewed their former Motion, That the Lords would join with them, in getting the present Lieutenant removed; and such a Person put in as the King, Parliament, and City may confide in. They said, That Sir *John Byron* had been disobedient to the Summons of both Houses; but that they spoke not as desiring he might be punished for it, but as a Ground of Distrust. That the Citizens said, That the Lieutenant might be a worthy Gentleman otherwise, yet he was a Man unknown to them;
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and that his being in that Post produced ill Effects. That the Merchants began to draw their Bullion out of the Mint; had wrote to their Factors to send no more; that a Ship was in the *Thames*, in which was a great deal of Bullion, but the Owners would not carry it to the Mint, because they cannot confide in the Lieutenant of the *Tower*. That it concerned the City and Trade exceedingly, for it was a Charge to the City to keep a Guard about the *Tower*; therefore they desired their Lordships to join with them, in petitioning the King to have this Man removed, and Sir *John Conyers* to be put in his Place.

Before the Lords would come to any Resolution in this Affair, they ordered that Certificates should be made of these Matters, from the Common-Council of *London*, and the Merchants there, of the Decay in Trade, &c. and whether it proceeded from Sir *John Byron's* being Lieutenant of the *Tower*; and these to be speedily laid before the Lords in Parliament.

The Earl of *Essex* acquainted the House of Lords, That the King had commanded him, as Lord-Chamberlain of the Household, and the Earl of *Holland*, as Groom of the Stole, to attend his Majesty at *Hampton-Court*; concerning which they prayed the Pleasure of the House, being required, by their Writs, to attend the Business of the Kingdom at *Westminster*. The Lords resolved, Not to dispense with their Absence, in respect of the many great and

The Lords refuse to let the Earls of *Essex* and *Holland* go to the King at *Hampton-Court*.

urgent Affairs depending: Hereupon they excused themselves to his Majesty, That, in Obedience to his Writ, they were obliged to assist in Parliament; and that their Attendance there, about the high Affairs of the Realm, was truer Service to his Majesty than any they could do him at *Hampton-Court*.

Lord *Clarendon* tells us, 'This Refusal so incensed the King, that from this Time he was determined to remove those two Lords from their respective Offices:— But he did not put his Resolution into Execution till the *April* following, as will appear in the Sequel.

Nothing remarkable happened in the Forenoon of this Day, except a Message from the Com-
mons,

mons, to desire the Lords to join in a Petition to the An. 17. Car. 1.
King, to appoint a Day when he will give his As- 1641.
sent to the Bill, *For enabling the Parliament to ad- January.*
journal themselves to any Place: And also to move
his Majesty to concur with both Houses, in the Or-
der made concerning giving Power to Sir *John Ho-*
tham for securing the Town of *Hull*, and the Ma-
gazine there, for his Majesty's Service. They like-
wise desired their Lordships would sit that After-
noon, for they had Business of Importance to com-
municate to them; which was consented to.

Accordingly a Remonstrance came up from the ARemonstrance,
Commons, about Horses and arm'd Men raised near from the Com-
Kingston, to the Number of 1000, to their Amaze- mons to the
ment that in Time of Peace, and the Parliament Lords, against
fitting, such Forces should be raised. They desired Lord Digby.
also, that such Persons as raised them might be de-
clared Disturbers of the Peace of the Kingdom;
and that the Lord *Digby*, who had been with the
Soldiers at *Kingston*, and had given them Thanks in
the King's Name, and told them, 'That his Ma-
'jesty had brought them out of *London* to keep them
'from being trampled in the Dirt,' might be sent for
forthwith to attend the House. Hereupon it was
ordered, that the Lord *Digby* be sent for to attend
the House, as a Peer of this Realm, without Fail.

The same Day Serjeant *Wylde* reported the Con-
ference, had on *Thursday* Night last with the Lords,
concerning Mr. Attorney's exhibiting Articles in
the Lords House against Members of this House,
as follows: 'The Conference consisted of two
Parts; *first*, the Narrative Part, That these Articles
exhibited by Mr. Attorney, and entered in the Lords
House, was a Breach of Privilege of Parliament;
and that, in due Time, this House would desire
that Justice might be done upon Mr. Attorney.' The Examination
The *second* Part was, 'To examine Mr. Attorney of the Attor-
ney General con-
cerning the Ar-
ticles against the
accused Mem-
bers;
bers;
if not, then whether he doth know, or hath ever
heard

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heard, who did frame, contrive, or advise the same, or any of them? To this he answered, That he would deal clearly, freely, and ingenuously, and that he should say the same which he had before delivered to the Lords, and should need no long Time to answer this; for that he had done none of these three, that is, neither framed, advised, or contrived these Articles, or any of them; and would be contented to die if he had.

Secondly, Being demanded, Whether he knew the Truth of these Articles, or any of them, of his own Knowledge, or had it by Information? To this he answered, He did know nothing, of his own Knowledge, of the Truth of these Articles, or any Part of them, nor hath heard it by Information. All that ever he hath heard concerning this was from his Master.

Thirdly, Being ask'd, Whether he will make good these Articles, when he shall be thereunto called in due Course of Law? To this he answered, He cannot do it, nor will not do it, otherwise than as his Master shall command him and shall enable him; no more than he that never heard of them can do it.

Fourthly, Being ask'd, From whom he received these Articles; and by whose Direction and Advice he did exhibit them? He answered, He did exhibit them by his Master's Command, and from his Hands he did receive them.

Fifthly, Being ask'd, Whether he had any Testimony, or Proof, of the Articles before the exhibiting of them? He gave this Answer, That he received the Command of his Majesty; but whether he had any Proof then offered, or Intimation of Testimony, to make good those Articles, he desired Time to consider of it. He was press'd again to make Answer to this, but desired Time to consider of it, saying, There was a secret Trust between a Master and a Servant, much more in this Case.

Hereupon it was ordered, That some Way be thought of for charging Mr. Attorney, by this House, as criminous, for exhibiting those Articles in the
Lords

Lords House against Members of this House, without any Information or Proof that appears; and that this House, and the Gentlemen charged by him, may have Reparation from him; and that he may put in good Security to stand to the Judgment of Parliament.

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It was also resolved, 'That a Committee be appointed to prepare a Charge against Mr. Attorney, upon these Votes of the House.'

The Lord-Keeper reported the Effect of another Conference held this Afternoon, by the Desire of the Commons, concerning the King's last Messages, about the Impeachment of their five Members, 'That the Commons had taken them into serious Consideration, and had resolved, upon the Question, That the said Impeachment, and the Proceedings thereupon, are a high Breach of Privilege of Parliament: That, in order to vindicate this Breach, they propose a Committee of both Houses may meet to consider about it; and to petition his Majesty, That those who informed him against these Members, may come in in five Days Time to charge them; or else that they may be cleared, in such a Way as the Parliament shall think fit.' The Lords, hereupon passed the same Vote as the Commons, and appointed a Committee of twenty-one of their House to meet with a proportionable Number of the Commons to consider of this Affair.

A Committee of both Houses appointed to consider further of that Matter.

January 17. The King's Answer to some Propositions sent him, on *Saturday* last, by the Duke of *Richmond*, was, 'That as to the Bill for adjourning the Parliament from *Westminster* to *London*, or any other Place, his Majesty will take further Time to consider of it. And as to the securing the Town and Magazine, at *Hull*, his Majesty conceives he hath formerly given a satisfactory Answer.'

A Committee of the Lords and Commons were appointed, jointly, to meet at *Grocers-Hall*, in *London*, to consider of the Safety of the Kingdom, the

As, 17, Car. I. Privileges of Parliament, the Affairs of Ireland, and concerning settling the present Distempers.

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Some Merchants and Goldsmiths having presented a Petition to the Lords this Day, against the Lieutenant of the *Tower*, they were called in and asked these Questions:

What Number of Merchants and Goldsmiths besides themselves, brought in Bullion to the Mint?

They answered, Sir Peter Richaut, and some few more, but not many.

What Reason they had for their Fears and Jealousies of Sir John Byron, and why they forbore to bring their Bullion to the Mint?

They said, They heard he had disobeyed the Orders of both Houses of Parliament; also, that he was a Gentleman unknown to them; and they desired to have such a Lieutenant put in as the Parliament approved on.

The Merchants being withdrawn, a great Debate arose amongst the Lords, and the Question being put, That this House will join with the House of Commons in an humble Petition to his Majesty to remove Sir John Byron, Knt. from being Lieu-

The Lords refuse to join with the Commons for removing Sir John Byron from being Lieutenant of the Tower; tenant of the *Tower of London*, and to place Sir John Conyers in his Room; it passed in the Negative. Before the Question was put, the following Lords demanded their Right of Protestation, and that they might have Liberty to enter their Dissents to this Vote; which the House gave Leave to, viz,

Whereupon several Peers enter their Dissent,

Earl of NORTHUMBER-
LAND, Lord-Admiral.
Earl of BEDFORD.
Earl of PEMBROKE.
Earl of LEICESTER.
Earl of SALISBURY.
Earl of WARWICK.
Earl of HOLLAND.
Earl of BOLINGBROKE.
Earl of STAMFORD.
Visc. SAY & SELE.
Lord WHARTON.

Lord PAGET.
Lord NORTH.
Lord HUNSDON.
Lord WILLOUGHBY de
Parham.
Lord SPENCER.
Lord ST. JOHN.
Lord BROOKE.
Lord ROBERTS.
Lord GREY de Wark.
Lord FIELDING.
Ld. HOWARD de Escrick.

This

This Day the twelve Bishops were brought severally to the Bar of the House of Lords, a Committee of the House of Commons being present; and first the Archbishop of *York*, who, kneeling as a Delinquent, was bid to rise; when the Lord-Keeper, by Direction of the House, told him, That this was the Day appointed for him to give in his Answer to the Impeachment of the Commons against him for High Treason.

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The twelve impeached Bishops brought to the Bar of the House of Lords,

His Grace answered, That on the 30th of *December* last he received an Order, with an Impeachment of High Treason, by the Commons, against himself and eleven other Bishops; and that they had since received several other Orders, on several Days, to put in their Answers, and the last Order for this Day; that he was come according to their Lordships Commands; and for his own Answer to the Charge, he gives it in this Manner:

‘ I *John*, Archbishop of *York*, saving to myself all Advantages of Exception to the Insufficiencies of the said Impeachment, for myself say, That I am *Not Guilty* of the Treason charged by the said Impeachment, in Manner and Form as the same is therein charged.’

Their Answer to the Charge against them,

The Archbishop desired a present, or speedy Trial, and then withdrew. In like Manner all the rest of the Bishops were brought to the Bar, and gave the same Answer. Afterwards the Bishops delivered in the following Petition:

To the Right Honourable the LORDS, assembled in the House of Peers,

The HUMBLE PETITION of JOHN Archbishop of *York*, and other the Bishops impeached by the House of Commons, the 30th of *December* last,

Humbly sheweth,

THAT your Petitioners, by your Honourable Order, were to put in their Answers thereunto the 7th Instant; and have had, since, several Days for that Purpose, assign’d them; and are now, the 17th

Their Petition to be bailed:

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An. 17. Car. I. 17th Instant, brought hither by your Lordships Order.
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They having always been, as now, ready to obey your Lordships Commands; and many of them being already much impaired, both in their Healths and Estates, do humbly pray, That a speedy Proceeding may be had therein, and that, in the mean Time, they may be admitted to Bail.

And your Petitioners shall ever pray for an Increase of divine Blessings on your Lordships.

Jo. EBORAC'	GUIL. BATH & WELLES
THO. DURESME'	GEO. HEREFF'
ROB. CO. LICHE'	MATTH. ELIEN'
JOS. NORWIC'	GODFREY GLOUCEST'
Jo. ASAPHEN'	JO. PETRIBURG'
RO. OXON'	MORG. LLANDAFF'

But they are remanded, and a Day fixed for their Trial.

The Lords ordered the Trial of the twelve Bishops to be on the 25th of this Instant *January*; and, in the mean Time, the Bishops of *Durham*, and *Coventry* and *Lichfield* were remanded to the Custody of the Black Rod, and all the rest to the *Tower*.

A Letter from the King was sent to the Lords by the Lord-Keeper, and some Papers inclosed, to be communicated to that House; which were read in these Words:

The King's Letter, occasion'd by an Order of the Lords concerning the Safety of the Prince,

' His Majesty hath seen the Lords Order, upon the Motion of the House of Commons, given to the Marquis of *Hertford*, concerning his Care and Attendance upon the Prince, not without Wonder that this Parliament should make such an Order; which can hardly be otherwise understood, than as if there had been a Design of sending the Prince out of the Kingdom; which must necessarily throw Reflections upon his Majesty, the Prince being now in the same Place with him; and his Majesty hath shewed himself both so good a Father and a King, that he thinks it strange that any should have such a Thought, as that he would permit the Prince to be carried out of the Kingdom, or that any durst give him such Counsel.'

The

The Lords ordered this Message to be sent to the Commons at *Grocers-Hall*; and then adjourned to the 20th Instant.

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Jan. 19. This Day the following Declaration, in Pursuance of three Reports from the late Committee at the *Guildhall* and *Grocers-Hall*, appeared in Print, according to an Order of the 12th of this Month. P

A DECLARATION of the House of Commons, touching a late Breach of their Privileges, for the Vindication thereof, and of divers Members of the said House.

Whereas the Chambers, Studies, and Trunks of Mr. *Holles*, Sir *Arthur Haselrigge*, Mr. *Pymme*, Mr. *Hampden*, Mr. *Strode*, Members of the House of Commons, upon Monday the 3d of this Instant January, by Colour of his Majesty's Warrant, have been seal'd up by Sir *William Killegrew* and Sir *William Fleming*, and others; which is not only against the Privileges of Parliament, but the common Liberty of every Subject; which said Members, afterward the same Day, were, under the like Colour, by Serjeant *Francis*, one of his Majesty's Serjeants at Arms, contrary to all former Precedents, demanded of the Speaker, sitting in the House of Commons, to be delivered unto him, that he might arrest them of High Treason: And whereas afterwards, the next Day, his Majesty, in his Royal Person, came to the said House, attended with a great Multitude of Men, armed in warlike Manner with Halberts, Swords, and Pistols; who came up to the very Door of the House, and placed themselves there, and in other Places and Passages near to the said House, to the great Terror and Dis-

There being some Variations between the Copy of this Declaration, as given in *Rushworth's* and *Husbands's Collections*, and that in the printed Journals of the Commons, we have followed the latter as the best Authority,

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Disturbance of the Members, then sitting, and, according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of *England* and *Ireland*: And his Majesty, having placed himself in the Speaker's Chair, demanded of them the Persons of the said Members to be delivered unto him; which is a high Breach of the Rights and Privileges of Parliament, and inconsistent with the Liberties and Freedom thereof: And whereas afterwards his Majesty did issue forth several Warrants to divers Officers, under his own Hand, for the Apprehension of the Persons of the said Members; which, by Law, he cannot do, there not being, all this Time, any legal Charge or Accusation, or due Process of Law, issued against them, nor any Pretence of Charge made known to that House: All which are against the Fundamental Liberties of the Subject and the Rights of Parliament. Whereupon we are necessitated, according to our Duty, to declare, and we do hereby declare, That if any Person shall arrest *Mr. Holles*, *Sir Arthur Haselrigge*, *Mr. Pymme*, *Mr. Hampden*, and *Mr. Strode*, or any of them, or any other Member of Parliament, by Pretence or Colour of any Warrant issuing out from the King only, he is guilty of the Breach of the Liberties of the Subject, and of the Privilege of Parliament, and a public Enemy to the Commonwealth; and that the Arresting of the said Members, or any of them, or of any other Member of Parliament, by any Warrant whatsoever, without a legal Proceeding against them, and without Consent of that House whereof such Person is a Member, is against the Liberty of the Subject, and a Breach of Privilege of Parliament; and the Person, which shall arrest any of these Persons, or any other Member of the Parliament, is declared a public Enemy of the Commonwealth: Notwithstanding all which, we think fit further to declare, That we are so far from any Endeavour to protect any of our Members, that shall

bc

be, in due Manner, prosecuted, according to the Laws of the Kingdom, and the Rights and Privileges of Parliament, for Treason, or any other Misdemeanor, that none shall be more ready and willing than we ourselves, to bring them to a speedy and due Trial; being sensible that it equally imports us, as well to see Justice done against them that are criminous, as to defend the just Rights and Liberties of the Subjects and Parliament of *England*.

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And whereas, upon several Examinations, taken the seventh Day of this instant *January*, before the Committee appointed by the House of Commons to sit in *London*, it did fully appear, that many Soldiers, Papists, and others, to the Number of about Five Hundred, came with his Majesty, on *Tuesday* the fourth Instant, to the said House of Commons, armed with Swords, Pistols, and other Weapons; and divers of them pressed to the Door of the said House, thrust away the Doorkeepers, and placed themselves between the said Door and the ordinary Attendants of his Majesty, holding up their Swords; and some holding up their Pistols ready cock'd near the said Door; and saying, *I am a good Marksman; I can hit right, I warrant you*; and they not suffering the said Door, according to the Custom of Parliament, to be shut; but said, *They would have the Door open; and, if any Opposition were against them, they made no Question, but they should make their Party good; and that they would maintain their Party*: And when several Members of the House of Commons were coming into the House, their Attendants desiring that Room might be made for them, some of the Soldiers answered, *A Pox of God confound them*; and others said, *A Pox take the House of Commons; let them come, and be hang'd; what a do is here with the House of Commons*: And some of the said Soldiers did likewise violently assault, and by Force disarm, some of the Attendants and Servants of the Members of the House of Commons, waiting in the Rooms

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Rooms next the said House; and, upon the King's
 Return out of the said House, many of them, by
 wicked Oaths, and otherwise, expressed much
 Discontent, that some Members of the said House,
 for whom they came, were not there: And others
 of them said, *When comes the Word?* And no
 Word being given, at his Majesty's coming out,
 they cried, *A Lane, A Lane*: Afterwards, some of
 them, being demanded, *What they thought the said*
Company intended to have done, answered, *That,*
questionless, in the Posture they were set, if the
Word had been given, they should have fallen upon
the House of Commons, and have cut all their Throats:
 Upon all which, we are of Opinion, that it is
 sufficiently proved, that the Coming of the said
 Soldiers, Papists, and others, with his Majesty,
 to the House of Commons on *Tuesday*, being
 the fourth Day of this instant *January*, in the
 Manner aforesaid, was to take away some of the
 Members of the said House; and, if they should
 have found Opposition, or Denial, then to have
 fallen upon the said House in a hostile Manner:
 And we do hereby declare, That the same was a
 traiterous Design against the King and Parliament.
 And whereas Mr. *Denzil Holles*, Sir *Arthur*
Hafelrigge, Mr. *John Pym*, Mr. *John Hampden*,
 and Mr. *William Strode*, Members of the said
 House of Commons, upon Report of the Com-
 ing of the said Soldiers, Papists, and others, in
 the warlike and hostile Manner aforesaid, did,
 with the Approbation of the House, absent them-
 selves from the Service of the House, for avoid-
 ing the great and many Inconveniences which
 otherwise apparently might have happened: Since
 which Time a printed Paper, in the Form of a
 Proclamation, bearing Date the sixth Day of this
 Instant *January*, hath issued out, for the appre-
 hending and imprisoning of them; therein sug-
 gesting that, through the Conscience of their own
 Guilt, they were absent, and fled; not willing
 to submit themselves to Justice: We do further
 declare, That the said printed Paper is false, scarn-
 dalous,

• dalous, and illegal; and that, notwithstanding the An. 17. Car. 2.
 • said printed Paper, or any Warrant issued out;
 • or. any other Matter yet appearing against them;
 • or any of them, they may and ought to attend the
 • Service of the said House of Commons, and the
 • several Committees now on Foot.

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• And we do further declare, That the publish-
 • ing of several Articles, purporting a Form of a
 • Charge of High Treason against the Lord *Kimbol-*
 • *ton*, one of the Members of the Lords House, Mr.
 • *Holles*, Sir *Arthur Haselrigge*, Mr. *Pymme*, Mr.
 • *Hampden*, and Mr. *Strode*, Members of the House
 • of Commons, by Sir *William Killgrew*, Sir *William*
 • *Fleming*, and others, in the Inns of Court, and
 • elsewhere, in the King's Name, was a high Breach
 • of the Privileges of Parliament; a great Scandal
 • to his Majesty, and his Government; a seditious
 • Act, manifestly tending to the Subversion of the
 • Peace of the Kingdom; and an Injury and Dis-
 • honour to the said Members, there being no legal
 • Charge or Accusation against them: And

• That the Privileges of Parliament, and the Li-
 • berties of the Subject, so violated and broken, can-
 • not be fully and sufficiently vindicated, unless his
 • Majesty will be graciously pleased to discover the
 • Names of those Persons, who advised his Majesty
 • to issue out Warrants for the Sealing of the Cham-
 • bers and Studies of the said Members; to send a
 • Serjeant at Arms to the House of Commons to
 • demand the said Members; to issue out several
 • Warrants, under his Majesty's own Hand, to
 • apprehend the said Members; his Majesty's Com-
 • ming thither in his own Royal Person; the Pub-
 • lishing of the said Articles, and printed Paper, in
 • the Form of a Proclamation, against the said
 • Members, in such Manner as is before declared:
 • To the end that such Persons may receive condign
 • Punishment.

• And this House doth further declare, That all
 • such Persons as have given any Counsel, or en-
 • deavoured to set or maintain Division or Dislike,
 • between the King and Parliament; or have listed
 • their

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their Names, or otherwise entered into any Combination or Agreement, to be aiding or assisting to any such Counsel or Endeavour, or have persuaded any other so to do; or that shall do any the Things above-mentioned; and shall not forthwith discover the same to either House of Parliament; or to the Speaker of either of the said Houses respectively, and disclaim it; are declared public Enemies of the State and Peace of this Kingdom, and shall be enquired of, and proceeded against accordingly.

January 20. A Petition from the Gentlemen and others of the County of *Essex*, was this Day presented to the Lords; but as it is of the same Nature with the preceding one from *Buckinghamshire*, we shall omit it, in order to come to Matters of more Moment; especially since these, and others from different Counties, are preserved in *Rushworth's Collections*.

The Lord-Keeper signified to the Lords, that he had just then received a Paper from the King, directed to both Houses of Parliament; which was ordered to be read, and was *in hæc Verba*:

The King's Message, desiring the Parliament to proceed to settle all Grievances in a summary Way.

HIS Majesty perceiving the manifold Distractions which are now in this Kingdom, which cannot but bring great Inconveniencè and Mischief to the whole Government; in which, as his Majesty is most chiefly interested, so he holds himself, by many Reasons, most obliged to do what in him lies for the preventing thereof: And tho' he might justly expect, as most proper for the Duty of Subjects, that Propositions, for the Remedies of these Evils, ought rather to come to him than from him; yet his fatherly Care of all his People being such, that he will rather lay by any particular Respect of his own Dignity, than that any Time should be lost for preventing of these threatening Evils, which cannot admit of the Delay of the ordinary

t This last Paragraph was added by Vote of the House, on the 17th of this Month.

nary Proceedings in Parliament, he doth think fit to make this ensuing Proposition to both Houses of Parliament, That they will, with all Speed, fall into a serious Consideration of all those Particulars which they shall hold necessary, as well for the upholding and maintaining of his Majesty's just and Regal Authority, and for the settling of his Revenue, as for the present and future Establishment of their Privileges; the free and quiet enjoying of their Estates and Fortunes; the Liberties of their Persons; the Security of the true Religion now professed in the Church of England, and the settling of Ceremonies in such a Manner as may take away all just Offence; which, when they shall have digested and composed into one intire Body, that so his Majesty and themselves may be able to make the more clear Judgment of them, it shall then appear by what his Majesty shall do, how far he hath been from intending or designing any of those Things which the too great Fears and Jealousies of some Persons seem to apprehend; and how ready he will be to exceed the greatest Example of the most indulgent Princes in their Acts of Grace and Favour to their People: So that if all the present Distractions, which so apparently threaten the Ruin of this Kingdom, do not, by the Blessing of Almighty God, end in an happy and blessed Accommodation, his Majesty will be ready to call Heaven and Earth, God and Man, to witness that it hath not failed on his Part.

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After reading of this Paper a Message was immediately sent by the Lords to the Commons, to acquaint them that their Lordships had received a gracious Message from his Majesty, which fills their Hearts full of Joy and Comfort; which being directed to both Houses, they desire it may be delivered to them, at a present Conference, in the Painted-Chamber.

For which the
Lords return
Thanks;

The Conference being ended, the Lords thought proper to draw up an Answer of Thanks to the King's gracious Message; which was read and agreed to in these Words:

Whereas

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‘Whereas the Houses of Parliament have received from your Majesty a Message, expressing much Grace and Favour to all your Majesty’s Subjects, they have thought fit to return your Majesty most humble Thanks for the same; and to let your Majesty know, that they will take it into such speedy and serious Consideration, as a Proposition of that great Importance doth require.’

And desire the
Commons Con-
currence.

The Lords ordered this to be sent down to the House of Commons to desire them to join in it; but no present Answer was return’d: Instead thereof

A Conference was desired by the Commons, concerning the Town of *Hull*; which being agreed to by the Lords, it was reported back to the House, by the Lord-Keeper, to this Effect:

Report of a Con-
ference about the
Magazine, &c. at
Hull.

‘That the House of Commons did put their Lordships in mind of their late Order, concerning the placing of Sir *John Hotham* Governor of *Hull*; who had Power given him to draw into that Town some of the Train’d Bands of that County, for securing the Town and the King’s Magazine there, the said Sir *John Hotham* being Governor, by the King’s Grant under the Great Seal; yet the said Order was disobeyed, and the Companies not suffer’d to come into the Town; which appear’d by a Letter from Mr. *Hotham*, Deputy to Sir *John*, importing, That the Earl of *Newcastle* was there, with a Letter under the King’s Hand and Seal Manual, to have the Town and Magazine delivered into his Hands, as Governor; and to draw in such of the Train’d Bands as he should think fit; particularly the Regiment of Sir *John Metham*. That the Order of Parliament had been pressed to the Mayor and Aldermen of the Town, who answer’d, They were willing to obey the King and Parliament; but, for the present, they had wrote to both, and untill they had an Answer, they were not willing the Men, who were presented at the Gate, should be admitted. That the Men who were most averse, were Mr. Alderman *Atkinson* the present Mayor, Mr. *Henry Barnard*, and one Mr. *Cartwright*; who, if sent for

for and punished, and a peremptory Order made for Obedience to the Commands of the Parliament, the Business would be effected.

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'The House of Commons further said, That they held this to be an Injury to both Houses, and to the Earl of *Essex*, who is Lord-Lieutenant of *Yorkshire*, under the Great Seal of *England*, and recommended to the King, by both Houses, for his Nobleness and approved Confidence, to that Place: They therefore desired, That the Earl of *Newcastle*, as a Peer of this House, might be sent for, to shew by what Warrant he came to be Governor of *Hull*, and to raise the Power of the County.'

The Lords, after some Consideration of this Matter, directed the Lord-Keeper to write to the Earl of *Newcastle* to come and attend the House immediately. They ordered, also, That the Mayor, and the other aforementioned Persons, should be sent for, and bring up their Charter along with them.

A Message came up by Sir *Philip Stapylton*, importing, 'That the House of Commons had heard there was a Report carried to the Queen, as if that House had an Intention to accuse her Majesty of High Treason, and that some Articles were brought to the Queen for that Purpose; and, as they understood, the Earl of *Newport* was told as much by the Queen herself: That the House of Commons conceived this to be a great Abuse upon them, never having any such Thing in their Thoughts; they desired their Lordships to join with them in sending some from both Houses to the Queen, humbly to desire her Majesty, that she would be pleased to discover the Party that gave her this Information, and deliver'd those Articles to her.' The Lords agreed to this, and order'd the Earl of *Newport* and the Lord *Seymour* to wait upon her Majesty accordingly.

The Commons refused to join with the Lords in their Answer to the King's last Message without an Addition, the Substance of which was,

The Commons propose an Addition to the Lords Address of Thanks;

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P

'That

An. 17. Car. I. 'That he would be pleased to put the *Tower* of London, with all the other Forts, and Militia of the whole Kingdom, into such Hands as the Parliament could confide in.' The Commons, also, drew up a Petition, and sent it to the Lords; which was in these Words:

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January.

To the KING's Most Excellent Majesty,
The HUMBLE PETITION of the LORDS and
COMMONS, now assembled in Parliament,

Sheweth,

They petition
the King to hasten
the Trials of
Lord Kimbolton,
&c.

THAT whereas, of late, there have been sundry and great Breaches of the Privileges of Parliament; and your Majesty, in a Message to both Houses, was pleased graciously to express, that you would be willing to clear and assert them, by any reasonable Way your Parliament should advise you to; we shall, in convenient Time, present the Particulars to you, together with our Advice and Desires, for the asserting our Privileges; and whereas your Majesty, by another Message to both Houses, hath expressed an Apprehension of some treasonable Matter to have been committed by the Lord Kimbolton, Mr. Holles, and the rest; and declared, That you will, hereafter, proceed against them in an unquestionable Way: We your Lords and Commons do humbly beseech your Majesty, that you would be pleased to give Directions, that your Parliament may be informed, in a few Days, what Proof there is against them; that, accordingly, there may be a Parliamentary and a legal Proceeding against them; and they receive, in Justice, what shall be their Due, either for their Acquittance or Condemnation.

This we humbly conceive we are bound to crave, both in regard of ourselves, and of them; being unfit that we should have any of our Members liable to so great a Charge; and thereby hindered from doing the Service they respectively owe to their several Houses; and that they, if innocent, should longer lie under so great a Weight; or, if guilty, avoid their deserved Punishment.

The

The Lords agreed to this Petition, and ordered some of their Body to join a Committee of the Commons to present it to the King the next Day; but demurr'd to the additional Article in the Address of Thanks.

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Then the Lords adjourn'd to the 24th, and appointed a Committee of their House to sit, in the mean Time, at *Gröcers-Hall*, with the Committee of the Commons, on *Irish Affairs*: Serjeant-Major *Skippon* and the Train'd Bands to guard them. The Commons also adjourned to the same Day.

Jan. 24. This Day the Commons sent up to the Lords, to desire that they would defer the Trial of the twelve Bishops to some more convenient Time; and that, in the mean while, they would appoint a Committee to take Examinations from Witnesses towards that Affair, such as the Commons should produce. The Lords agreed to this; but ordered that the said Trial should be brought on peremptorily, on the first Day of *February* next.

And desire the Lords to defer that of the impeached Bishops.

The King's Answer to the last Petition of the Parliament, was reported to the Lords by the Earl of *Newport*, to this Purport:

'That he doth well approve of the Desire of both Houses, for the speedy Proceeding against the Persons mentioned in the Petition; wherein his Majesty finding great Inconveniences, by the first Mistake, hath caused some Delay, that he might be informed in what Order to put the same. But, before that be agreed upon, his Majesty thinks it unusual to discover what Proof there is against them; and therefore thinks it necessary, lest a new Mistake should breed more Delay, which his Majesty, to his Power, will avoid, that it be resolved, Whether he be bound, in respect of Privilege, to proceed against them by Impeachment in Parliament, or whether he be at Liberty to prefer an Indictment at the Common Law, in the usual Way, or have his Choice of either: Whereupon

The King's Answer as to Lord *Kimbolton*, &c.:

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 { January. ' his Majesty will give such speedy Directions for
 ' the Prosecution, as will shew his Desire to satisfy
 ' both Houses, and put a Determination to this
 ' Business.'

The Lords reject
 the Commons
 Addition to their
 foregoing Address

After much Consultation this Day in the House of Lords, concerning the Affairs of *Ireland* and the *Scots* Brotherly Assistance, both which were still carried on very slowly, the Lords took into Consideration the Addition the Commons had proposed to their Address of Thanks to the King for his last gracious Message to both Houses. And after a long Debate, it was, on the Question, rejected; upon which the following Protest was entered.

Whereupon a
 Protest is entered.

' Whereas the Desire brought from the House of Commons, about the Forts and Militia of the Kingdom, concerneth much the Safety of it, the King's Service, and the general Peace and Quiet of the Land; and, as we conceive, is absolutely necessary to the settling the present Distempers, and tendeth to the Furtherance of Trade, now much obstructed and decayed, as hath been represented by several Petitions from the City of *London* and sundry other Counties: We protest against the Vote of rejecting of that Desire of the Commons, and do testify our Dissent, to discharge ourselves from all the Mischief and ill Consequences that may thereupon follow^a.

The

^a The Addition, at Length, was in these Words: ' And to the further Intent that they may be enabled, with Security, to discharge their Duties herein, They humbly beseech your Sacred Majesty to raise up unto them a sure Ground of Safety and Confidence, by putting the *Tower* and other principal Forts of the Kingdom, and the whole Militia thereof, into the Hands of such Persons as your Parliament may confide in, and as shall be recommended to your Majesty, by both Houses of Parliament: That all Fears and Jealousies being laid aside, they may, with all Cheerfulness, proceed to such Resolutions, as, they hope, will lay a sure Foundation of Honour, Greatness, and Glory to your Majesty and your Royal Posterity, and of Happiness and Prosperity to your Subjects, throughout all your Dominions.'

There being, in all, thirty-two protesting Lords, and thirteen Bishops that were then Prisoners, there must have been a very full House to have carried this Question in the Negative.

The NAMES of the PEERS who subscribed An. 17. Car. I.
the foregoing PROTEST. 1641.

January.

<i>Earl of ESSEX.</i>	<i>Lord PAGET.</i>
<i>Earl of WARWICK.</i>	<i>Lord KIMBOLTON.</i>
<i>Earl of PEMBROKE.</i>	<i>Lord BROOKE.</i>
<i>Earl of HOLLAND.</i>	<i>Lord ROBERTS.</i>
<i>Earl of STAMFORD.</i>	<i>Lord NORTH.</i>
<i>Earl of BEDFORD.</i>	<i>Lord WHARTON.</i>
<i>Earl of LEICESTER.</i>	<i>Lord ST. JOHN.</i>
<i>Earl of CLARE.</i>	<i>Lord SPENCER.</i>
<i>Earl of LINCOLN.</i>	<i>Lord FIELDING.</i>
<i>Earl of SALISBURY.</i>	<i>Lord WILLOUGHBY.</i>
<i>Earl of BOLINGBROKE.</i>	<i>Lord BRUCE.</i>
<i>E. of PETERBOROUGH.</i>	<i>Lord DACRES.</i>
<i>Earl of THANET.</i>	<i>Ld. HOWARD de Esrick.</i>
<i>Earl of NOTTINGHAM.</i>	<i>Lord GREY de Werk.</i>
<i>Viscount SAY and SELE.</i>	<i>Lord CHANDOIS.</i>
<i>Viscount CONWAY.</i>	<i>Lord HUNSDON.</i>

Jan. 25. Petitions came now very thick from several Counties of *England* to the Parliament, for a Reformation both in Church and State; and this Day the Commons desired a Conference with the Lords about them. On which Occasion Mr. *Pymme*, who was appointed to manage the same, spoke as follows :

My Lords,

I Am commanded by the Knights, Citizens, *Mr. Pymme's*
and Burgesles, assembled for the Commons Speech at a Con-
in Parliament, to present to your Lordships divers ference with the
Petitions, which they have received from several Lords, occasion'd
Parts, concerning the State of the Kingdom; by many Petiti-
whereunto they are chiefly moved by that constant ons for a Refor-
Affection which they have always exprest'd, of mation in Church
maintaining a firm Union and good Correspondence, with your Lordships; wherein they have
ever found much Advantage and Contentment, but and State.
never held it more important and necessary than at
this Time, wherein the Wisdom and Resolution of

An. 77. Car. I. Parliament have as many great Dangers and Difficulties to pass through as ever heretofore,

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‘ We are united in the public Trust, which is derived from the Commonwealth, in the common Duty and Obligation whereby God doth bind us to the Discharge of that Trust : And the Commons desire to impart to your Lordships whatsoever Information or Intelligence, whatsoever Encouragement or Assistance, they have received from those several Counties which they represent; that so likewise we may be united in the same Intentions and Endeavours of improving all to the Service of his Majesty, and the common Good of the Kingdom.

‘ The Petitions, which I am directed to communicate to your Lordships, are four; from *London, Middlesex, Essex, and Hertfordshire*. We have received many more, but it would take up too much Time, and be too great a Trouble to peruse all; and in these four you may perceive the Effect and Sense of all : First, I am to desire your Lordships to hear them read; and then I shall pursue my Instructions in propounding some Observations out of them,

The HUMBLE PETITION and ANSWER of the Mayor, Aldermen, and the rest of the Common Council of the City of *London*, to the Honourable House of Commons.

The P E T I T I O N

Sheweth,

That the Committee of this Honourable House, upon Saturday, the 22d of this instant January, sent a Message to the Petitioners for the Loan of 100,000*l.* or of so much thereof as could conveniently be forthwith raised, for levying of Forces to suppress the Rebels in Ireland; to which Message something was then answered, and a further Answer in Writing promised.

In Performance whereof they humbly present the Answer following, together with the Reasons thereof,
de-

desiring that the same (being the best that, for the present, they are able to give) may be favourably accepted.

And they shall ever pray, &c.

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The ANSWER.

‘ The Petitioners are duly and deeply sensible of
‘ the great Miseries of their Brethren in *Ireland*, and
‘ of the imminent Danger, not only of the total
‘ Loss of that Kingdom, but of the Ruin of this
‘ also, if that of *Ireland* should, which God forbid, be lost. And as they have hitherto shewed
‘ themselves ready, even beyond their Abilities, to
‘ serve the King and Parliament; so shall they ever
‘ continue, to the utmost of their Power, with all
‘ Chearfulness and Duty: But, at the present, they
‘ are compelled to repeat their former Answer,
‘ That they have no Power to raise any Sums, by
‘ way of Tax, for any foreign Use; and do further answer, That they have no Means to do it,
‘ otherwise than by the immediate personal Consent
‘ of every particular Lender, which they cannot
‘ hope to obtain, in regard of these Obstructions
‘ following; which the Petitioners humbly present,
‘ together with this their further Answer, as the
‘ Reasons thereof:

1st, ‘ That immediately before the Parliament,
‘ and since, divers great Sums, for the Service of
‘ the King and Kingdom, have been already lent
‘ by the Citizens of *London*, besides 50,000 l. for
‘ the Supply of *Ireland* in particular; a great Part
‘ whereof some of the Lenders were compelled to
‘ borrow, and cannot, to this Day, repay.

2^{dly}, ‘ That such Part of those Monies as are already due to the Citizens from the Parliament,
‘ and should have been repaid out of the Poll-Money and Subsidies, is not yet done, because there
‘ is not any considerable Sum come in from the
‘ Country, as was expected, to satisfy the same.

3^{dly}, ‘ That the said 50,000 l. lent for *Ireland*, was
‘ hastened and speedily paid within near about 2000 l.
‘ upon this Ground then urg’d by the Parliament,
‘ that, if it were forthwith lent, it might be of more
‘ Use

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‘ Use to preserve that Kingdom than the Loan of
‘ 200,000*l.* could be, if deferred but six Weeks; yet
‘ no considerable Forces are sent thither to this Day.
‘ And we find that Men will not be willing to lend
‘ any thing, till they are assured that a good Strength
‘ be sent thither, with full Commission, to relieve
‘ Londonderry, and other Parts of that Kingdom.’

4thly, ‘ The general with-holding of very great
‘ Sums of Money from the Petitioners, and many
‘ others; which Monies have been long due, not
‘ only from Chapmen and other Debtors in *England*,
‘ but from very many in *Ireland*, who owe many
‘ hundred thousand Pounds to the Citizens of *London*,
‘ doth render divers Persons, of good Estates
‘ and Credit, hardly able to go on with Trade, or
‘ to pay their Debts and maintain their Charge.

5thly, ‘ The brotherly Offer of *Scotland* to send
‘ 10,000 Men into *Ireland*, not yet so accepted as
‘ to produce any Relief to that bleeding Kingdom,
‘ while yet our Brethren are daily massacred there,
‘ discourageth most Men from lending any Money,
‘ were they ever so able.

6thly, ‘ The not passing the Bill for pressing of
‘ Soldiers here, whereby such Forces as are requi-
‘ site might be timely sent from hence into *Ireland*,
‘ puts many Men into Fears, that there may be
‘ some Design rather to lose that Kingdom, and to
‘ consume this in the losing of *Ireland*, than to pre-
‘ serve either the one or the other; for that it can-
‘ not be conceived, that the Rebels being grown
‘ so powerful, will be suppress’d by Volunteers.

7thly, ‘ The slow issuing of Commissions to those
‘ who, being in *Ireland*, or going thither, are wil-
‘ ling to enter the Field against the Rebels, disables
‘ them from doing any effectual Execution upon
‘ the Enemy, unless in their own Defence; and
‘ so all the Monies that have been, or may be, sent
‘ thither, are exhausted to maintain our Forces to do
‘ little or nothing worthy of them, rather than em-
‘ ployed to chastise the Rebels, and to reduce them
‘ to Obedience; by Means whereof the Number
‘ and Power of the Rebels are greatly increased,
‘ divers

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divers Castles and Towns are by them taken, much Protestant Blood is daily spilt, many thousand Families destroyed, the malignant Party of Papists and their Adherents here are encouraged, and those Rebels so much emboldened, that they boast they will extirpate the *British* Nation there, and then make *England* the Seat of War.

8thly, ' The not Disarming of Papists here in *England*, after many Discoveries of their Treacheries and bloody Designs upon the Parliament and Kingdom; the great Decay of Fortifications, Block-houses, and other Sea-Forts; the not managing of them, nor furnishing them with Ordnance and Ammunition; the not placing all of them in such Hands in whom the Parliament may confide; and the not settling this Kingdom in a Posture of Defence, in Times of so many Fears and Jealousies of foreign Invasions and intestine Conspiracies; the not removing the present Lieutenant of the *Tower*, and putting such a Person into that Place as may be well approved by the Parliament, notwithstanding the earnest Petitions exhibited to this Honourable House for that Purpose; which hath produced a Forbearance to bring Bullion into the *Tower*, in this Time of Scarcity of Monies: All which cannot but overthrow Trading more and more, and make Monies yet more scarce in the City and Kingdom.

9thly, ' The King's Ships, which ought to be a Wall of Defence to this Kingdom, and a Convoy to the Merchants, for which Tonnage and Poundage was granted, are not fitted and employed as the present Condition of this Kingdom and *Ireland* requires; but some of them for the conveying away of Delinquents, who durst not abide the Test of the Parliament, to the great Encouragement of the rest of the Malignant Party here; who, when their Designs and themselves be detected, know how to escape the Hand of Justice, through the Abuse of a Royal Conduct.

10thly, ' The not questioning those many thousands of unknown Persons who are sheltered in
' Co-

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Covent-Garden, and thereabouts, who do not employ themselves in any lawful Calling; and; it is very probable, lie in Readiness to adventure upon some desperate Attempt, to the endangering of the Welfare, Peace, and Safety of the King's Majesty, the Parliament, and City.

11thly, 'The Misunderstanding between the King and the Parliament; the not Vindicating the Privileges of Parliament; the not Suppressing of Protections; the not Punishing of Delinquents, and the not Executing of all Priests and Jesuits, legally condemned; while others, contrary to the Privilege of Parliament, have been illegally, as the Petitioners conceive, charged with Treason, to the deterring of worthy Members from discharging their Duties, and to the destroying of the very Being of Parliaments; do exceedingly fill the Minds of Men, well-affected to the Public, with many Fears and Discouragements throughout the Kingdom, and so disable them from that cheerful Assistance which they would be glad to afford.

12thly, 'By Means of the Premises there is such Decay of Trading, and such Scarcity of Money, neither of which can be cured till the former Evils be removed, as is likely, in very short Time, to cast innumerable Multitudes of poor Artificers into such a Depth of Poverty and Extremity, as may enforce them upon some dangerous and desperate Attempts, not fit to be expressed, much less to be justified; which they leave to the Wisdom of this House speedily to consider and prevent.

'These are the Evils under which the Petitioners do exceedingly labour and languish, which they humbly conceive to have sprung from the employing of ill-affected Persons in Places of Trust and Honour in the State, and near to the Sacred Person of his Majesty; and that these Evils are still continued by means of the Votes of Bishops and Popish Lords in the House of Peers.

'And now that the Petitioners have faithfully represented the true Reasons which do really enforce them to return this Answer, most of which have been

‘ been formerly offered to this Honourable House, An. 17. Car. I.
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 ‘ in sundry Petitions; and that they have done all
 ‘ that in them lies, even beyond all Precedent,
 ‘ to serve the King, Parliament, and Kingdom :
 ‘ They humbly crave Leave to protest, before God
 ‘ and the High Court of Parliament, that if any
 ‘ further Miseries befall their dear Brethren in Ire-
 ‘ land, or if any Mischief shall break in upon this
 ‘ Kingdom, to the endangering or disturbing thereof,
 ‘ it ought not to be imputed to the Petitioners, but
 ‘ only to such as shall endeavour to hinder the ef-
 ‘ fectual and speedy Cure of the Evils before recited,
 ‘ that so much disable and discourage the Petitioners
 ‘ from doing that, which, by this Honourable
 ‘ House, is desired of them*.

The HUMBLE PETITION of the Knights, Gen-
 tlemen, Ministers, and other Inhabitants of the
 County of *Essex*, to the Honourable House of
 Commons,

Sheweth,

TO this Honourable House, that we are truly sen-
 sible of your great Care and extraordinary En-
 deavours to settle our Religion and Peace; and daily
 bless God Almighty, the King's Majesty, the Peers,
 and this Honourable Assembly for the same. And we
 do further, in all Humility, represent to your Ho-
 nourable Consideration, that notwithstanding your
 abundant Care and Industry, we do still appre-
 hend a great Stop of Reformation in Matters of
 Religion; and ourselves, together with you and the
 whole Kingdom, to be in great Danger from the Pa-
 pists, and other ill-affected Persons, who are every
 where very insolent, and ready to act the Parts of
 these savage Blood-suckers in Ireland, if they be not
 speedily prevented; by Means whereof our Trading,
 especially

* In the Copy of Mr. Pymme's Speech, printed by Charles Greene,
 by Order of the House, it is said, ' That the *Middlesex* Petition
 ' was never printed, and therefore not inserted.' The said Petition
 is also omitted in *Russworth*, but no Reason assign'd for it: Nor
 is it entered in the *Commons Journals*.

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especially of Clothing and Farming, grow apace to so great a Damp, as many Thousands are like to come to sudden Want: Nor can we expect any Redress thereof, unless the Bishops and Popish Lords be removed out of the House of Peers.

Therefore we humbly pray that you would earnestly mediate with his Majesty and the House of Peers, that our Brethren in Ireland may be speedily relieved; the Papists throughout this Kingdom may be disarmed; the Kingdom be put into such a warlike Posture, for Defence, as may be for its Safety; and that the Bishops and Popish Lords, who, as we conceive, have hindered the Success of your godly Endeavours, may be excluded the House of Peers; not doubting but that then our Petitions, formerly presented to this House, will receive the more full and speedy Answer. And your Petitioners resolving (in all just and honourable Ways, according to our late Protestation) to assist you in your Rights and Privileges, with our Estates and Lives, against the Enemies of God, the King and State, humbly pray, &c.

THE HUMBLE PETITION of the Knights, Gentlemen, Freeholders, and others, Inhabitants of the County of *Hertford*, to the Honourable the House of Commons,

Sheweth,

That this Church and Kingdom being, (by the Prelates, the Multitudes of corrupt and scandalous Ministers their Creatures, and the Popish Party, concurring with them on the one Hand; and by wicked Counsellors, evil Ministers of State, and great Swarms of Projectors, and others ill affected to the Peace of this Realm, on the other Hand) brought to a sad and almost desperate Condition, and thereby the Splendour of his Majesty's Crown and Dignity dangerously weaken'd and eclipsed; it pleased his Majesty, having respect to the Petitions of Nobles and People in that Behalf, to call this present Parliament, the

only

*only able Means, under God, to reform the many Pre-
~~judices~~ and Grievances of the Church and Kingdom,
 and to remove the Causes thereof.*

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*In which Parliament, to the Honour of his Majesty,
 and Comfort of his good Subjects, exemplary Justice
 hath been executed, Arbitrary Courts, Ship-Money,
 Monopolies, and other illegal Impositions removed, the
 Shedding of much Blood prevented by the late Union
 between the two Kingdoms of England and Scotland;
 and further Hopes given us of perfecting what re-
 mains by the happy Continuance and much-desired
 Progress of this Parliament.*

*And although that malignant Party of Prelates and
 Papists, and their Adherents (whose present Standing,
 and the happy Success of this Parliament, as the Peti-
 tioners humbly conceive, are inconsistent) have, by their
 manifold wicked Practices and Designs, endeavour-
 ed to hinder all thorough Reformation in Church and
 Commonwealth; to stifle, in the Birth and Progress,
 all those good Bills and other Preparations made
 by this Honourable Assembly for that Purpose, and
 especially, for the Relief of the Kingdom of Ireland;
 (the Ruin whereof will endanger this Kingdom also)
 to stop the Influence of his Majesty's Royal Favour in
 giving Life thereto; to divide between his Majesty and
 this Honourable Assembly; and to render you not only
 contemptible, but also burthensome to the People; yet
 the Petitioners, and, as they verily believe, all well-
 affected to his Majesty and the Peace and Prosperity
 of this Kingdom, have, and still shall continue an
 high and honourable Esteem of this worthy Assembly,
 and of your great and unwearied Endeavours; and
 do with the utmost Expressions of their Thankfulness,
 acknowledge the same, and the Progress and Perfect-
 ing thereof, to be of great Consequence and deep
 Necessity to the Peace and Welfare of this Church and
 Kingdom; and such as without which not only a Re-
 flux of the former Calamities, but even utter Ruin
 and Desolation, like that, being too long continued,
 in sad and much-lamented Ireland, will apparently
 ensue.*

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From the Sense whereof, and of the great and unheard-of Breaches lately made upon the Privileges of Parliament, even to the Endangering of the Being thereof, wherein your Petitioners and their Posterity are much concerned: The Petitioners take upon them the humble Boldness to declare their Readiness and great Engagements, according to their Protestation, to stand to, and defend, to the utmost Peril of their Lives and Estates, the King's Majesty and High Court of Parliament, with all the Power and Privileges of the same, and all your honourable Proceedings for the common Good, against all Popish and other malignant Opposers, who endeavour, either by evil Counsel, secret Plott, or open Force, to hurt or prejudice the same, or to make Divisions between his Majesty and the Parliament.

And the said Petitioners humbly pray, that the Papists may be fully disarmed; the Laws against them executed; the Kingdom, and especially this County, according to their late Petition in that Behalf, put into a Posture of War for their better Defence; the Forts and Strength of this Kingdom put into safe Hands, which the Parliament may confide and trust in; the Privileges of Parliament repaired and thoroughly vindicated; and that this Honourable Assembly (as hath been lately desired of you by the Citizens of London) will be a Means unto his Majesty and the House of Peers, that Life may be speedily given to your good Endeavours by their Concurrence with you in taking away of the Votes of Popish Lords and Bishops out of the House of Peers; the speedy and strong Relief of Ireland; the further Punishment of Delinquents; the Removal of the Pressures and Grievances in Church and Commonwealth, and reforming of what is therein amiss.

For all which your Petitioners shall daily pray, &c.

These

*These Petitions being read by four several Mem-
bers of the House¹, Mr. Pymme reassumed his
Discourse.*

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‘ My Lords, in these four Petitions you may hear the Voice, or rather the Cry, of all *England*; and you cannot wonder if the Urgency, the Extremity, of the Condition wherein we are, do produce some Earnestness and Vehemency of Expression more than ordinary; the Agony, Terror, and Perplexity in which the Kingdom labours, is universal, all Parts are affected with it; and therefore in these you may observe the Groans and miserable Complaints of all.

‘ Divers Reasons may be given why those Diseases which are epidemical are more dangerous than others: *1st*, The Cause of such Diseases is universal and supernal, not from an evil Constitution, or evil Diet, or any other Accident; and such Causes work with more Vigour and Efficacy than those which are particular and inferior. *2dly*, In such Diseases there is a communicative Quality, whereby the Malignity of them is multiplied and enforced. *3dly*, They have a converting transforming Power, that turns other Diseases and evil Affections of Men’s Bodies into their own Nature.

1st, ‘ The common and epidemical Disease, wherein this Commonwealth now lies gasping, hath a superior and universal Cause from the evil Counsels and Designs of those, who, under his Majesty, bear the greatest Sway in Government. *2dly*, It hath a contagious and infectious Quality, whereby it is diffused and dispersed thro’ all Parts of the Kingdom. *3dly*, It is apt to take in the Discontents, evil Affections, and Designs of particular Persons, to increase and fortify itself.

‘ I shall take Occasion, from several Branches of those Petitions which your Lordships have heard, to observe,

1st, ‘ The Variety of Dangers to which this Kingdom is now subject.

2dly,

¹ Mr. Browne, Mr. George, Mr. Carew, and Mr. Lisle, were appointed by the House for that Purpose.

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2dly, 'The manifold Distempers which are the Cause of those Dangers.

3dly, 'The Multiplicity of those evil Influences which are the Causes of those Distempers.

'The *first* Danger is from Enemies abroad; this may seem a causeless and impertinent Observation at this Time, seeing we are in Peace with all Nations about us: But, my Lords, you may be pleased to consider that the Safety of the Kingdom ought not to depend upon the Will and Disposition of our Neighbours, but upon our own Strength and Provision; betwixt States there are often sudden Changes from Peace to War, according to Occasion and Advantage. All the States of *Christendom* are now armed, and we have no Reason to believe but that those of greatest Power have an evil Eye upon us, in respect of our Religion: And if their private Differences should be composed, how dangerously, how speedily, might those great Armies, and other Preparations now ready, be applied to some Enterprize and Attempt against us? And if there were no other Cause, this were sufficient to make us stand upon our Guard: But there are divers more especial Symptoms of Dangers of this Kind.

'We may perceive, by several Advertisements from abroad, that they did foresee our Dangers many Months before they broke out; they could foretell the Time and Manner of them, which is a clear Evidence they held Intelligence with those which were the Contrivers and Workers of the present Troubles.

'We have many dangerous Traitors and Fugitives now in other Parts, who can discover the Weakness and Distemper of the Kingdom; who hold Intelligence with the ill-affected Party here, and, by all cunning and subtle Practices, endeavour to incite and provoke other Princes against us.

'Some of the Ministers of our Neighbour Princes may be justly suspected to have had a more immediate Hand and Operation in the Insurrection and

Re-

Rebellion in *Ireland*; many of the Commanders, An. 17. Car. 1.
and most of the Soldiers, levied for the Service of *Spain*, are now joined with the Rebels there; and
those *Irish* Friars, which were employed by the
Spanish Ambassador for the making of those Le-
vies, are known to have been the chief Incendiaries
of this Rebellion, and are still very active in the
Prosecution and Encouragement of it.

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‘ The Rebels have a ready and speedy Supply
from some of our Neighbours. Two Convoys of
Munition and Arms we are certainly informed of,
one from *Dunkirk*, the other from *Nantes* in *Brit-
tany*; and certainly those that are so forward to
enable others to hurt us, will not forbear to hurt
us themselves, as soon as they shall have Means
and Opportunity to do it.

‘ Another Danger is from the Papists and ill-
affected Party at home. The Papists here are act-
ed by the same Principles with those in *Ireland*;
many of the most active of them have lately been
there, which argues an Intercourse and Communi-
cation of Councils. They have still Store of Arms
and Munition at their disposing, notwithstanding
all our Endeavours to disarm them; they have a
free Resort to the City and to the Court; they want
no Opportunities to consult together; they have the
same or greater Encouragements from above, and
from about them, than ever, in respect of the Ex-
ample and Success of the Rebels in *Ireland*, and
the great Confusions and Divisions which, by their
cunning and subtle Practices, are raised and fo-
mented amongst ourselves at home.

‘ A third Danger is of Tumults and Insurrec-
tions of the meaner Sort of People, by reason of
their ill Vent of Cloth and other Manufactures,
whereby great Multitudes are set on Work; who
live for the most Part on their daily Gettings, and
will, in a very short Time, be brought to great Ex-
tremity, if not employed: Nothing is more sharp
and pressing than Necessity and Want; what they
cannot buy they will take; and from them the like
Necessity will quickly be derived to the Farmers

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and Husbandmen; and so grow higher, and involve all in an Equality of Misery and Distress, if it be not prevented. And, at this Time, such Tumults will be dangerous, because the Kingdom is full of disbanded Soldiers and Officers, which will be ready to head and to animate the Multitude to commit Violence with more Strength and Advantage; and if they once grow into a Body, it will be much more difficult to reduce them into Order again, because Necessity and Want, which are the Causes of this Disturbance, will still increase as the Effects do increase.

‘A fourth Danger is from the Rebels in *Ireland*, not only in respect of that Kingdom, but in respect of this: They have seized upon the Body of that Kingdom already; they abound in Men of very able Bodies; they increase in Arms and Munition; they have great Hopes of Supplies from abroad, of Encouragement here, and are sure of good Entertainment from the Popish Party; so that they begin to speak already there of transporting themselves hither, and making this Kingdom the Seat of the War.

‘The Distemper which hath produced these Dangers is various and exceeding violent. Whenever Nature is hindered in her proper Operations and Faculties, Distempers will necessarily follow.

‘The Obstructions which have brought us into this Distemper are very many, so that we cannot wonder at the Strength and Malignity of it. Some of the chiefest of these Obstructions I shall endeavour to remember.

1st, ‘The Obstruction of Reformation in Matters of Religion; No Grievances are sharper than those that press upon the tender Consciences of Men; and there was never Church or State afflicted with more Grievances of this Kind, than we have been. And tho’ they are, by the Wisdom of this Parliament, partly eased and diminished, yet many still remain; and as long as the Bishops, and the corrupt Part of the Clergy, continue in their Power, there will be little Hope of Freedom, either from
the

the Sense of those which continue, or the Fear of those which are removed. And of this Obstruction, my Lords, I must clear the Commons; we are in no Part guilty of it: Some good Bills have pass'd us, and others are in Preparation, which might have been pass'd before this, if we had not found such ill Success in the other. Whatsoever Mischiefe this Obstruction shall produce, we are free from it: We may have our Part of the Misery, we can have no Part in the Guilt or Dishonour.

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2dly, 'An Obstruction in Trade: It is Trade that brings Food and Nourishment to the Kingdom. It is that which preserves and increaseth the Stock of the whole, and distributes a convenient Portion of Maintenance to every Part of it; therefore such an Obstruction as this must needs be dangerous, the Freedom of Trade being so necessary, the Benefit so important, as that it gives Life, Strength, and Beauty to the whole Body of the Commonwealth. But I must protest the House of Commons hath given no Cause to this Obstruction: We have eased Trade of many Burdens and heavy Taxes, which are taken off; we have freed it from many hard Restraints, by Patents and Monopolies; we have been willing to part with our own Privileges, to give it Encouragement; we have sought to put the Merchants into Security and Confidence in respect of the *Tower of London*, that so they might be invited to bring in their Bullion to the Mint, as heretofore they have done; and we are no way guilty of the Troubles, the Fears, and public Dangers which make Men withdraw their Stocks, and to keep their Money by them, to be ready for such sudden Exigences, as in these great Distractions we have too much Cause to expect.

3dly, 'The Obstruction in the Relief of *Ireland*. It must needs be accounted a great Shame and Dishonour to this Kingdom, that our Neighbours have shewed themselves more forward to supply the Rebels, than we have been to relieve our distressed Brethren and Fellow-Subjects. But I must declare we are altogether innocent of any Neglect herein.

Q 2

As

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over we undertook the War, not by way of Supply and Aid, as in former Rebellions the Subjects have used to do; but we undertook the whole Charge of it, and we suffered not twenty-four Hours to pass before we agreed to a great Levy of Money and Men, to be employed against the Rebels, even in a larger Proportion than the Lords Justices and Council there did desire; and, from Time to Time, we have done all for the Furtherance thereof, though in the Midst of many Distractions and Diversions; but the Want of Commissions for levying of Men, for issuing Arms, and divers other Impediments, have been the Causes of that Obstruction; and I wish we had not only found Impediments to ourselves, but also Encouragements to them. Many of the chief Commanders, now at the Head of the Rebels, after we had, with your Lordships Concurrence, stopped the Ports against all *Irish* Papists, have been suffered to pass by his Majesty's immediate Warrant, much to the Discouragement of the Lords Justices and the Council there; and this procured, as we believe, by some evil Instruments too near his Royal Person, without his Majesty's Knowledge and Intention.

4thly, 'The Obstruction in Prosecution of Delinquents. Many we have already brought up to your Lordships; divers others we have been discouraged to transmit; such difficult Proceedings have we met withall; such Terrors and Discountenance have been cast upon ourselves and our Witnesses; and those who have shewed themselves their Friends and Patrons, have found it the most ready Way to Preferment; yea, his Majesty's own Hand hath been obtained, and his Majesty's Ships employed, for the transporting of divers of those who have fled from the Justice of Parliament.

5thly, 'A general Obstruction and Interruption of the Proceedings of Parliament, by those manifold Designs of Violence which, thro' God's Mercy, we have escaped; by the great and frequent Breaches of Privilege; by the subtle Endeavours to

raise

raise Parties in our House, and Jealousies betwixt An. 17. Car. I.
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6thly, ' The Obstruction in providing for the Defence of the Kingdom, that we might be enabled to resist a foreign Enemy, to suppress all Civil Insurrections: And what a pressing Necessity there is of this, the exceeding great Decays in the Navy, in the Forts, in the Power of ordering the Militia of the Kingdom, and Means of furnishing them with Munition, are sufficient Evidences, known to none better than your Lordships, and what Endeavours we have used to remove them; but, hitherto, without that Success and Concurrence which we expected: And where the Stop hath been, and upon what good Grounds we may claim our own Innocency and Faithfulness in this, we desire no other Witnesses but yourselves.

Lastly, ' I come to the evil Influences which have caused this Distemper; and I shall content myself with mentioning those which are most important.

I. ' I shall remember the evil Counsels about the King, whereof we have often complained. Diseases of the Brain are most dangerous, because from thence Sense and Motion are derived to the whole Body. The Malignity of evil Counsels will quickly be infused into all Parts of the State. None can doubt but we have exceedingly laboured under most dangerous and mischievous Counsels. This evil Influence hath been the Cause of the Preparation of War with *Scotland*; of the procuring a Rebellion in *Ireland*; of corrupting Religion; suppressing the Liberty of this Kingdom; and of many fearful and horrid Attempts to the subverting the very Being of Parliaments, which was the only hopeful Means of opposing and preventing all the rest; and this doth appear to be a most predominant Evil of the Time, whereat we need not wonder, when we consider how Counsellors have been preferred and prepared. And I appeal to your Lordships own Consciences, whether the giving and countenancing of evil Counsel hath not been, almost, the only Way to Favour and Advancement.

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2. The

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2. 'The Discouragement of good Counsel. Divers honest and approved Counsellors have been put from their Places; others so discountenanced, as that the Way of Favour hath been shut against them, and that of Danger and Destruction only open to them.

3. 'The great Power that an interested and factious Party hath in the Parliament, by the Continuance of the Votes of the Bishops and Popish Lords in your Lordships House; and the taking in of others, both out of the House of Commons, and otherwise, to increase their Strength.

4. 'The fomenting and cherishing of a malignant Party throughout the whole Kingdom.

5. 'The manifold Jealousies betwixt the King, his Parliament, and good Subjects; whereby his Protection and Favour hath, in a great Measure, been with-held from them; their Inclination and Resolution to serve and assist him, hath been very much hindered and interrupted; we have often suffered under the Misinterpretation of good Actions, and false Imputation of evil ones which we never intended: So that we may justly purge ourselves from all Guilt of being Authors of this Jealousy and Misunderstanding. We have been and are still ready to serve his Majesty with our Lives and Fortunes, with as much Cheerfulness and Earnestness of Affection as ever any Subjects were; and we doubt not but our Proceedings will so manifest this, that we shall be as clear in the Apprehension of the World, as we are in the Testimony of our own Consciences.

'I am now come to a Conclusion; and I have nothing to propound to your Lordships by way of Request or Desire from the House of Commons. I doubt not but your Judgments will tell you what is to be done: Your Consciences, your Honours, your Interests, will call upon you for the doing of it. The Commons will be glad to have your Concurrence and Help in saving of the Kingdom; but if they fail of it, it should not discourage them in doing their Duty. And whether the Kingdom be
lost

lost or saved, (but I hope, thro' God's Blessing, it will be saved) they shall be sorry that the Story of this present Parliament should tell Posterity, That, in so great a Danger and Extremity, the House of Commons should be enforced to save the Kingdom alone, and that the House of Peers should have no Part in the Honour of the Preservation of it; you having so great an Interest in the good Success of those Endeavours, in respect of your great Estates and high Degrees of Nobility.'

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The foregoing Speech of Mr. *Pymme*'s was so agreeable to the Commons, that the same Day they ordered, 'That Mr. Speaker, in the Name of the House, shall give Thanks unto Mr. *Pymme* for his so well performing the Service he was employ'd in, by the Commands of this House, at this Conference. And it was farther ordered, That Mr. *Pymme* be desired to put the Speech he made at this Conference into Writing, and to deliver it into the House, to the end that it may be printed.'—This was done accordingly; and from the Edition so published by Order of the House, we have copied it: But the following Paragraph is added at the End of the Speech as printed in *Rushworth*, which we give upon his Authority.

'My Lords, consider what the present Necessities and Dangers of the Commonwealth require; what the Commons have Reason to expect; to what Endeavours and Counsels the concurrent Desires of all the People do invite you: So that, applying yourselves to the Preservation of the King and Kingdom, I may be bold to assure you, in the Name of all the Commons of *England*, that you shall be bravely seconded.'

Jan. 26. The Lord-Keeper having reported the foregoing Conference, a Motion was made for joining with the House of Commons in petitioning his Majesty about putting the Forts and Militia of the Kingdom into safer Hands, &c. upon the new Reasons offered at the said Conference. This occasioned

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A Debate arising in the House of Lords, occasion'd by the foregoing Speech, the Duke of Richmond proposes to adjourn for six Months;

For which he is ordered to ask Pardon Only.

Protest there-upon.

occasioned a long Debate, the House, being in a Committee; and, being resumed, some Lords desired the House might be adjourned, to which the Duke of *Richmond* answered, 'Let us put the Question, Whether we shall adjourn for six Months?' which Words the House taking Exception to, the Duke explained himself, 'That he did not speak these Words positively, but meant that the House might be adjourned as well for six Months, as to a Time not limited ^{p.}' However, this not satisfying, the Duke withdrew; when, after farther Debate, the Question was put, Whether it shall be sufficient Satisfaction to this House, That the Lord Duke of *Richmond* shall come to his Place, and make an humble Submission, as an Acknowledgment that he hath offended the House in speaking these Words inconsiderately and unadvisedly; and that he had no Intention to have the House adjourned for six Months, and that he craves their Lordships Pardon for it? It was resolved in the Affirmative; against which the following Protest was entered:

'That, in respect the Words spoken by the Duke of *Richmond* tended much to the Prejudice of the King and Kingdom, we do protest against this Vote, as not sufficient Punishment for Words of that dangerous Consequence.

NORTHUMBERLAND, WHARTON.
Lord-Admiral. PAGET.

BEDFORD. HUNSDEN.

ESSEX. CHANDOIS.

PEMBROKE. ST. JOHN.

SUFFOLK. SPENCER.

LINCOLN. KIMBOLTON.

LEICESTER. BROOKE.

WARWICK. GREY de Werk.

HOLLAND. ROBERTS.

DOLINGBROKE. HOWARD de Escrick.

STAMFORD. WILLOUGHBY de Parham.
CONWAY.

The

^{p.} Lord *Clarendon* says, 'The Motion for the Adjournment was made by some of the Protesting Lords, who were not willing the Matter of the Militia should then come into Debate.'

The Motion for joining with the Commons in An. 17. Car. I.
petitioning the King about the Forts and Militia, 1641.
was put off for this Day. January.

Jan. 27. Amongst various Transactions in the House of Lords, and particularly on *Irish Affairs*, the Lord *Newport* reported to that House the Queen's Answer to the Message sent to her, concerning a Report of a Design to accuse her of High Treason, to this Effect; 'That there was a general Report of an Accusation intended against her, but she never saw any Articles in Writing; and having no certain Author either for the one or the other, she gave little Credit thereto; and much less now, being assured from the House of Commons, that never any such Thing came into their Thoughts; nor will she believe they would lay an Aspersion upon her, who hath ever been unapt to misconstrue the Actions of any one Person, and much more the Privileges of Parliament; and shall, at all Times, with a happy Understanding between the King and his People.' This was ordered to be communicated to the House of Commons; but in their Journals is the following Addition: *Upon better Recollection of myself, I do confess and acknowledge to have been mistaken in reporting what was delivered me, in Discourse with some Member of the House of Commons; and am most heartily sorry for it; beseeching, with all Humility, the Pardon of the Honourable House of Commons, for that my great Mistake.* ¹

Jan. 29. This Day the Commons sent up a Bill for granting a Subsidy of Tonnage and Poundage, and other Sums of Money payable on Merchandizes imported or exported; which was read a first Time by the Lords.

A Message came up also from the Commons, brought by Sir *Peter Wentworth*, Knight of the Bath, desiring a Conference, by a Committee of both Houses, at their Lordships Convenience, concerning

¹ This last Paragraph is omitted in *Husbands's Collections*.

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The Commons,
at a Conference,
charge the Duke
of *Richmond* with
being a Malig-
nant, and an evil
Counsellor to the
King.

cerning the Duke of *Richmond*^r. The Lords fix'd upon a present Meeting; when, being returned from it, the Lord-Keeper reported the Substance of it to this Effect:

'That Mr. *Glynne* said, He was commanded by the House of Commons, to acquaint their Lordships with what Information had been given to them about the said Duke.

1st, 'That he did write unto the Town of *Hithe*, to chuse one Captain *Wimberley* to serve for one of the Barons there in this Parliament, but he was not chosen. A Letter was produced, wrote by one of the Duke's Officers, said to be by his Grace's Direction, to prove this: As, also, another to Capt. *Collins*, Deputy-Lieutenant, directed to the Mayor and Jurats of *Hithe*, for the Return of the said Election.

2^{dly}, 'Mr. *Peard*, a Member of the House of Commons, informed that House, That whilst the Affair of Mr. *Percy* and Mr. *Fermyn* were before the House, and before their Offences were declared High Treason, one Mr. *Scroop*, the Duke's Steward, came to him; and, in his Master's Name, desired Mr. *Peard* to forbear to press the Matter concerning those Gentlemen; affirming, that it would be an acceptable Service, and would do him Good. Which last Words Mr. *Peard* construed to mean, that the King and Queen would take Notice of it as an acceptable Service. This he would not say positively, but he believed it, &c.

The *third* Information was, 'That, by a Copy of a Record, then in their House, it did appear that the Duke of *Richmond* did, on the 26th of *January* Instant, desire that the Question might be put for the Adjournment of the House of Lords for six Months.'

Upon the whole, the House of Commons passed this Vote, That they had sufficient Cause to accuse the Duke of *Richmond* as one of the malignant Party, and an evil Counsellor to the King, for these Reasons:

1st,
'*James Stuart*, Duke of *Lenox* in *Scotland*, and Knight of the Garter, a near Relation to the King, who had created him Duke of *Richmond*, the 2th of *August* foregoing.

1st, ' That he endeavoured to have such Mem-
bers chosen as he should name; and his Way of
Menacing afterwards shews an Intention to over-
throw the Freedom of Election, and make a Party
in Parliament.

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2^{dly}, ' That he endeavoured to corrupt the
Members of the House of Commons after they
were elected, even in Matters of the highest Na-
ture; for Support of the Delinquents that were in
Question for endeavouring to bring the Army up-
on the Parliament.

3^{dly}, ' The Motion made in the House, if ef-
fected, would certainly be the Loss of *Ireland*, and
hazard the Ruin of this Kingdom; there being
Distractions at home, and imminent Danger in
Ireland, and no Way to help both but by Parlia-
ment; which, if it had been adjourned, in Conse-
quence that necessary and good Act, for the Con-
tinuance of this Parliament, would have been in-
effectual. Upon all which the House of Com-
mons desire their Lordships forthwith to join with
them to petition his Majesty, That the Duke may
not have any Access to the Persons or Courts of
the King or Queen; and that he may be removed
from all Offices and Places of public Trust. And
that this may be done with all Speed, in regard of
the great Places of Trust and Confidence he now
holds.' '

Mr. *Glynne* concluded with telling their Lord-
ships, ' That it was the Care of the House of
Commons to prevent the Evils that hang over our
Heads; and they can do no less, in regard to the
Duty they owe to the King, who has called them
as his Council; to their Country that hath intrusted
them; and, lastly, they do it to satisfy their own
Con-

' The Duke was Lord-Warden of the Cinque-Ports, a Privy-
Counsellor, &c. This Vote against him was not carried with-
out much Debate in the House of Commons, though, on a Divi-
sion of the House, by a considerable Majority; 223 against 123.
Journ. Com.

Lord *Clarendon*, in his Account of this Proceeding, says, ' That
not Half of the House were present; which appears to be a Mis-
take, by the Authority above-mentioned,

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Consciences. They say they saw the Stone that hit them, but could not discover the Arm that threw it. They say they wash their Hands of the ill Consequences of these Things, and lay it at their Lordships Door.'

This Report being ended, the Duke of *Richmond* stood up, and made it his humble Desire, 'That he might have a Copy of the Heads of this Information against him; and that he be allowed some short Time to give in his Answer.' The Lords agreed to this, and ordered *Monday* next, the 31st Instant, for that Purpose. Accordingly,

On that Day, the Duke of *Richmond* brought in his Answer to the Charge against him from the Commons, which his Grace, standing in his Place, read in these Words:

My Lords,

The Duke's
Speech in his
own Defence.

I Take it this Vote of the House of Commons, which to me must prove very heavy if it light upon me, is groundd on these three Reasons.'

Then his Grace repeated the Substance of the three Articles brought by the Commons against him; and proceeded thus:

'Upon these three Reasons the House of Commons have desired your Lordships to join with them in petitioning his Majesty, That I might not have any Access to the Persons or Courts of the King and Queen, &c. This is the Charge.

'Though these Requests, if put in Execution, would much afflict me; yet the Sense of the House of Commons, and their ill Opinion of me, which I judge by their Vote, is a greater Cross than any that hath yet befallen me: But I have this Comfort, that as the House of Commons have passed this Vote, and made these Requests against me, without hearing my Defence; so that, when your Lordships shall hear my clear and ingenuous Answer, you, I hope, will be so far from joining with them

in

in any such Request to his Majesty, that I shall presume to be an humble Suitor to your Lordships to clear my Innocence to the House of Commons; and to set me right in their good Opinion, which I much desire; who, I doubt not, are so just as to acquit or condemn, according as the Cause shall appear unto them.

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‘ And to your Lordships I affirm, by all that may procure Belief, that I did never malign the Prosperity and Happiness of the King, Kingdom, or Parliament; my Interest in all may be some Persuasion to justify what I say; nor did I give the King, my Master, any Counsel whatever, but what, in my own Heart, I conceived to tend to the Advancement of his Honour, and Maintenance of the Public Good of the Kingdom; the Union of the King and his People each to the other, and a right Understanding and Correspondence between him and his Parliament; and, from my Heart, I cannot but declare against any, if there be any, of a contrary Opinion.

‘ So far am I from a Thought of Prejudice to the Kingdom of *Ireland*, that I would rejoice as much to see the Protestants there settled in Peace and their Possessions, the Protestant Religion there established, the Rebels there suppress’d, and that Kingdom reduced to Obedience, as any of his Majesty’s Subjects, and be as ready to join in giving Assistance to effect it; for I crave Leave to let your Lordships know, that I have, some Months since, sent into *Ireland*, of my own, thirty-nine Barrels of Powder, one hundred and twenty Muskets and Pikes, sixty Corslets and Head-Pieces, besides Match and Bullets, both for great Ordnance and Muskets, to *Colmore* Castle, for the Defence of that, *Londonderry*, and the Country about it; and I left 200 *l.* Sterling in my Agent’s Hands, for defraying the Charge of transporting those Things.

‘ But to apply myself to the particular Reasons of the Charge against me; it rests upon the Truth of the Fact, and your Lordships Judgment of it, either

Ans. 17. Car. I. either to acquit or condemn me, which I shall
1641. wholly submit to.

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‘ I must crave your Lordships Pardon for giving any Answer at all to the third Reason, touching what passed from me in this House; as well in respect of the Privilege of this House, where Things of that Nature, as I conceive, are to be questioned; as for that your Lordships have already taken the same into your Consideration, and I have undergone and perform’d your Lordships Censure thereon, before this Accusation. I know it will not seem just to your Lordships, that I should be in a worse Case than any other Subject, to receive a double Punishment for one and the same Offence; and I know your Lordships cannot but conceive it to be of more than ordinary Consequence in the Precedent.

‘ For the other, I shall give your Lordships a distinct Answer. I must beg your Leave to deny some Things which have been charged upon me; but shall ingenuously confess whatsoever I know to be a Truth, touching those Things, how prejudicial soever it may prove to me; and rely more upon my own Innocence, than to defend myself by denying a Truth, or defending what is not so.

‘ *Magna est Veritas & prevalebit.* I wish it may do so in what concerns me. *Regnet Justitia & ruat Cælum.*

‘ I conceive the Proof for the first Reason, inducing the House of Commons to believe an Intention in me to overthrow the Freedom of Election, and make a Party in Parliament, is upon the Information of Sir *Henry Hayman*, That I did write to the Town of *Hithe* to chuse one Captain *Wimberley*, to serve for one of the Barons there, in this present Parliament; but he was not elected. The Gentleman that gave the Information I do not know; but it is true in this; and if it be an Offence, I shall be so far my own Accuser, that I have here brought a true Copy of that Letter which I sent to that Port, with a Witness, who is without, to attest it. Other Recommendation

commendation, than by that Letter only, I never made to that Town; but I was so far, before this Accusation, from thinking it an Offence that, I confess to your Lordships, I wrote the like Letter to other Places, within the Jurisdiction of the Ports; and I was informed that the Warden of the Cinque Ports had, in all Times, done the like. But this being no more than a bare Recommendation, their Choice was left free; and in some of those Places my Request prevented, in some not: But I had never so much as a Thought of Ill against any who gave his Vote against the Party recommended; and will hazard my Honour and Fortune, that no Man can affirm that I ever gave them the least Check upon this Occasion.

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‘ For the Copy of the Letter written by Captain *Collins*, suggested to be one of my Officers, and signified to be by my Directions; I confess that Captain was Deputy of the Lieutenancy of *Dover-Castle*, which is under my Command; but whether the Captain wrote such a Letter to the Port of *Hithe*, I know not; but this I know for certain, that my Directions imported not so much; and I hope your Lordships will not think it just to charge me with a high Crime, drawing on so heavy a Punishment, for what an Under-Officer shall do without my Knowledge. Yet, in this, I will not conceal one Tittle of Truth; for it is true I did write to Captain *Collins*, and shall shew your Lordships the very Letter itself, which I have sent for since your last Sitting; and when I have told your Lordships the Occasion, which I shall make good by Proof, I am confident you will find it far from a Crime. It was this :

‘ I being Warden of the Cinque Ports, and the Writ of Summons of Parliament directed to me, I make Warrant to the several Ports, for Election of their Barons; which, when done, they return them to me, and I return them with the Writ of Summons. Now, I having made Warrants, accordingly, to the Ports, and received and returned their Barons elected, I was informed from the Port of

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Sandwich, That some had given Voices in their Election who received Alms from the Town, with some other Questions about Elections in other Places, particularly *Rye*, for which I was informed there was a Petition in Parliament; and because I might be able to give an Account touching all these Elections, if Occasion were, I wrote to all the Ports in general, to be certified how the Elections went by the Poll; that is, to know how many Voices went for the one, and how many for another; but for their Names I wrote not, tho' I had Ground enough given me by the Complaint of *Sandwich*; and if Capt. *Collins* did, upon this Letter of mine, I hope that shall not turn to my Prejudice or his, since there was no ill Intent, nor hath been any ill Consequence from it: For this I affirm, confidently, to your Lordships, That not one Elector, in any of the Ports, was ever menaced or ill used by me, or my Direction. I cannot be disproved in this, and your Lordships will hardly believe I wrote to Capt. *Collins* out of any Intention of Revènge; when, by the same Letter, I desired to be certified of the Poll in all the Ports, as well where the Party recommended by me was elected, as where he was not.

' This is the whole Truth, and my Answer touching that Business; and if it be an Offence to write a Letter to recommend a Gentleman for an Election, yet, I hope, it will not deserve so severe a Punishment. Sure I am I never understood it an Offence; for, if I had, I should not have done it myself, or believe it to be generally done by others, who, I hope, will never come in Danger of Punishment for it. And now, before I go to the *second Head*, I desire your Lordships to hear the Letters, and the Witness upon the Occasion of them.'

Then the Letter to the Mayor and Jurats of Hithe was read, with their Answer to his Grace, which contained much the same as is expressed in his Defence; as did, also, the Letter to Capt. Collins, in relation to the sending up the Polls of all the Ports. Then the Duke proceeded:

' The

‘The *second* and only Thing to be now answered, is, The endeavouring to corrupt the Members of the House of Commons, after they were elected, for Support of Delinquents. The Offence which is charged, I am confident your Lordships will not find me guilty of; all the Instance of Proof is only upon a Message pretended to be delivered to one Mr. *Peard*, a Member of the House of Commons, by my Steward; who is my Cousin, *Adrian Scroop*; and some Speeches and Gestures of mine to Mr. *Peard*, some Time after that Message. I know your Lordships will not take this upon an implicit Faith, that it is true, because it is charged against me: But I must crave your Noble Justice, as a free Subject as well as a Peer, to be judged *secundum Probata* as well as *Allegata*; and, notwithstanding this Misfortune which is fallen upon me; I hope you believe I will not tell you an Untruth. I confess I sent my Steward to Mr. *Peard*; and he being one who has long been with me, and ever carried himself honestly and like a Gentleman; gives me Confidence that he deliver’d no such Message to Mr. *Peard*, from me, as is charged. I protest to your Lordships, upon my Honour, that the Message I sent was no more than to this Effect, ‘That if, in the Business of Mr. *Percy*, it fell in his Way to do him any just Favour, that I should take it as a Courtesy, and express it to him upon any fair Occasion.’ This was without any other Intimation or particular Request whatsoever, and I am confident my Servant delivered it to him no otherways; for he brought me a civil Answer of his Readiness to do any Thing he might, with a good Conscience, which was as much as I desired. And I was so far from taking Offence, that, when I spoke to Mr. *Peard*, it was only to avow my Servant, and to give him Thanks; and no such Thing happened as has been informed by him.

‘Now, my Lords, Mr. *Percy* being my old Acquaintance at School; in our Travels, and here at home, having lived Friends together; I thought I could do no less than to ask just Favours for him

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in his Distress. There was no unlawful Thing desired; no Bribes offered; if this be an Offence, as I hope it is not, I am confident it will not be so heinous as to draw so heavy a Censure upon me.

‘And because, my Lords, I would be quit of this great Burthen, I have caused *Scroop* to attend without; and desire your Lordships to examine him, upon his Oath, touching the Truth of the Message, and what passed between Mr. *Peard* and him; for I am guilty of no Tittle more than what I have confessed to you. I know not what passed in the House of Commons, or that Mr. *Peard* had ever spoken in that Business; or if *Scroop* had desired him not to press that Business, or persuaded him not to call upon it, or intimated any Thing of the King or the Queen, which I believe he did not, it was without any Direction from me, and let him answer for it. But I rather believe there was no Ill in the Message, because Mr. *Peard* did not then, nor at any Time since, till this Question in the House of Commons, call upon him or me concerning it.

‘My Lords, I am no Lawyer nor Orator, but I am a Gentleman; and, in that Consideration, so much concerned in what is moved against me, as though Life or a total Confiscation may not be desired, yet upon the Consequence of it so much of Honour and Reputation depends, that I esteem it equal to any of those Censures. But I have so much Innocence in me, as makes me confident that I cannot miscarry by your Lordships Judgment; and therefore have adventured to make my own Defence, who best know the Truth of my own Heart; and so I submit myself and Cause, which concerns you all, to your Lordships Judgment.’

RICHMOND.

The Duke having ended, he desired that *Thomas Webb*, his Secretary, might, upon Oath, relate the Occasion of writing the Letters to the Port-Towns; which was one Complaint against his Grace.

Grace. Then the Lords sent a Message to the Commons, ' That, in regard of their Offer made at the last Conference, they desire that Sir *Henry Hayman* and Mr. *Peard* may come before the Lords; and, upon Oath, testify what they know in the Business concerning the Duke of *Richmond*.

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The same Day the new Grant of a Subsidy on Tonnage and Poundage, &c. was read a second and third Time in the House of Lords, and passed. *Bill for Tonnage, &c. passed for a Time Only.*

After this the Lord-Keeper inform'd the House, That he had received a Letter from the King, with a Message inclosed to both Houses, which were read in *hæc Verba*:

CHARLES R.

Right Trusty and Well-beloved, we greet you well,

OUR Will and Pleasure is, that you deliver the Message enclosed, to be read in our House of Peers before the Passing the Bill for Tonnage and Poundage, for which this shall be your Warrant.

Given at our Court at *Windsor* the last Day of January, 1641.

' Though his Majesty, having passed more Acts of Justice and Grace in this Parliament than has ever been passed by any of his Royal Ancestors, might well expect, from the Affection and Gratitude of his Parliament, to have received the Subsidy of Tonnage and Poundage for no less a Time than it hath been granted to any of his Predecessors; yet, in regard that, by a Clause in this Bill, he finds that his Parliament intends not to continue the old Book of Rates, and that the settling a new one must require some Time; and in respect that otherwise it might beget an Interruption of Trade, give an Advantage to foreign States, and leave the Seas unguarded, to the Danger of this Kingdom and *Ireland*; he hath, at this Time, given a Commission for the passing of this present

The King's Message thereupon, at giving the Royal Assent by Commission.

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 February.. ‘ Bill, the 25th of *March*: Not doubting, but, as
 ‘ soon as their extraordinary Affairs will permit,
 ‘ that they will settle a new Book of Rates; and, by
 ‘ granting this Subsidy in the usual Manner, will
 ‘ give a Proof of their good Intentions, as they have
 ‘ often expressed, and of which he is fully satisfied,
 ‘ to consider no less both his Substance and Splen-
 ‘ dor, than their own Liberties and Interests.’

Act passed for
Relief of Ireland.

The Commissioners being ready, and the House of Commons come up, the King's last Message was read to them; after which the Subsidy-Bill had the Royal Assent, with another *For a speedy Contribution and Loan towards the Relief of his Majesty's distressed Subjects of the Kingdom of Ireland.*

Mr. *Whitlocke* writes, ‘ That the Purport of this Bill was, That every one that would bring in and adventure Money for the reducing of *Ireland*, should have so many Acres of the *Irish* Rebels Lands, proportionable to the Money they brought in; on which, he says, great Sums were raised for that Service.’

The *Scots* Commissioners renewed their Request to the Lords, to have the Treaty for the Relief of *Ireland* brought to a speedy Close, the miserable Condition of it still increasing; on which some more Orders were made about it, but nothing effectual.

The Trial of the twelve Bishops again postpon'd for four Days.

Farther Proceedings against the Duke of *Richmond*.

February 1. The House of Lords proceeded in the Business of the Duke of *Richmond*; when Mr. *Peard* gave his Evidence, upon Oath, near in the same Manner as is before related. The Duke, having heard this Evidence, denied that he gave his Steward, Mr. *Scroop*, any such Directions as Mr. *Peard* alledged; and, being withdrawn, the House went into a Debate, Whether Mr. *Scroop* ought to be examined, upon Oath, to know what Directions the Duke gave him; because, thereby, he might accuse himself. The Judges Opinions being

being asked on this Question, they were all in a An. 17. Car. 1.
Mind, That, in the ordinary Courts of Justice, 1641.
Mr. *Scroop* might, by Law, be examined on Oath.

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Hereupon Mr. *Scroop* was sworn and examined, who said, ' That the Duke directed him to go to Mr. *Peard*, and to desire him, that, in the Business of Mr. *Percy*, he would, if it fell fairly in his Way, rather incline to do good Offices, than press in Rigour; and that thereby he might engage my Lord Duke to render him Thanks, and to return him such Favours as fell in his Way; but that he had no Directions to speak of any Favours intended from the King or Queen.'

This being done, the Lords considering of the Evidence on both Sides, the Affair of the Cinque Ports being dropt, the Question was put, Whether that House should join with the Commons in the Petition against the Duke? It passed in the Negative.

He is cleared by the Lords;

Hereupon the following Lords entered their Dissent ;

<i>Earl of NORTHUMBER-</i>	<i>Lord CROMWELL.</i>	<i>Whereupon several Peers enter their Dissent.</i>
<i>LAND.</i>	<i>Lord DACRES.</i>	
<i>Earl of ESSEX.</i>	<i>Lord WHARTON.</i>	
<i>Earl of PEMBROKE.</i>	<i>Lord PAGET.</i>	
<i>Earl of LINCOLN.</i>	<i>Lord ST. JOHN.</i>	
<i>Earl of LEICESTER.</i>	<i>Lord NORTH.</i>	
<i>Earl of WARWICK.</i>	<i>Lord SPENCER.</i>	
<i>Earl of HOLLAND.</i>	<i>Lord KIMBOLTON.</i>	
<i>Earl of BOLINGBROKE.</i>	<i>Lord BROOKE.</i>	
<i>Earl of STAMFORD.</i>	<i>Lord ROBERTS.</i>	
<i>Visc. SAY & SELE.</i>	<i>Lord GREY de Werk.</i>	
<i>Viscount CONWAY.</i>	<i>Ld. HOWARD de Escrick.</i>	

We have been the more particular in our Account of this Complaint of the Commons against the Duke of *Richmond*, in regard that not the least Notice is taken of this Affair in *Rushworth* or *Whitlocke* :—But now to return to other Matters,

The same Day, *Feb. 1.*, the House of Commons sent up a Draught of a Petition to the King, concerning

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cerning the Lord *Kimbolton* and the five Members, in which was recited all that had passed in that Business; and that they once again besought his Majesty to give Directions that they might be informed, in two Days Time, what Proofs there were against them, that they might be brought to a legal Trial; it being the undoubted Right and Privilege of Parliament, that no Member can be proceeded against without Consent of the House. To which Petition they desired their Lordships Concurrence; which was granted.

This Day, also, the Commons sent up a Message, to desire the Lords to join with them in another Petition to the King, That the Forts and Militia of the Kingdom might be put into such Hands as were approved of by both Houses of Parliament; to desire that House to lay this Thing to Heart; and to tell them, that if they will not join with the Commons, now that Things are brought to the last Gasps, then to desire those Lords that are of Opinion with this House, to declare themselves, that they may be known from the rest; to protest themselves innocent of whatever Mischief may fall out; and to tell them plainly, that they must not expect the Commons to come to them again on this Business *. Lastly, to communicate to their Lordships an Answer which they had received from the King, on a Petition of their own, presented to him, concerning that Affair; which was read in these Words;

The King's Answer to the Commons Petition concerning the Tower, the Forts, and Militia.

HIS Majesty having seriously considered of the Petition presented to him from the House of Commons, on Wednesday the 26th of last Month, returns this Answer :

That he was in good Hope his gracious Message of the 20th of that Month, to both Houses, would have produced some such Overture, which, by offering what is fit on their Parts to do, and asking what is proper for

* This Paragraph is in the *Commons Journals*, but we do not find that it was delivered, *totidem Verbis*, to the Lords,

for his Majesty to grant, might beget a mutual Confidence in each other. An. 17. Car. I. 1641.

Concerning the Tower of London; his Majesty did not expect that (having preferred a Person of a known Fortune and unquestionable Reputation to that Trust) he should be pressed to remove him, without any particular Charge objected against him, and therefore returns this Answer;

February.

That if, upon due Examination, any Particular shall be presented to his Majesty, whereby it may appear that his Majesty was mistaken in his Opinion of this Gentleman, and that he is unfit for the Trust committed to him, his Majesty will make no Scruple of discharging him; but, otherwise, his Majesty is obliged, in Justice to himself, to preserve his own Work, lest his Favour and good Opinion may prove a Disadvantage and Misfortune to his Servants, without any other Accusation; of which his Majesty doubts not his House of Commons will be so tender, as of a Business wherein his Majesty's Honour is so much concern'd, that, if they find no material Exception against this Person, they will rather endeavour to satisfy and reform the Fears of other Men, than, by complying with them, press his Majesty to any Resolution which may seem so much to reflect upon his Honour and Justice. For the Forts and Castles of the Kingdom; his Majesty is resolved that they shall always be in such Hands (and only such) as the Parliament may safely confide in; but the Nomination of any Persons to those Places (being so principal and inseparable a Flower of his Crown, vested in him, and derived unto him from his Ancestors, by the Fundamental Laws of the Kingdom) he will reserve to himself; in bestowing whereof, as his Majesty will take Care that no corrupt or sinister Courses shall prevail with him, so he is willing to declare, That he shall not be induced to express that Favour so soon to any Persons as to those whose good Demeanor shall be eminent in or to his Parliament; and if he now hath, or shall at any Time, by Misinformation, confer such a Trust upon an undeserving Person, he is, and always will be, ready to leave him to the Wisdom and Justice of his Parliament.

For

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For the Militia of the Kingdom (which, by the Law, is subject to no Command but of his Majesty, and of Authority lawfully derived from him) ; when any particular Course, for ordering the same (which his Majesty holds very necessary for the Peace and Security of his Kingdom) shall be considered and digested by his Parliament, and proposed to his Majesty, his Majesty will return such an Answer as shall be agreeable to his Honour, and the Safety of his People ; his Majesty being resolved only to deny those Things, the Granting whereof would alter the Fundamental Laws, endanger the very Foundation upon which the public Happiness and Welfare of his People is founded and constituted, and nourish a greater and more destructive Jealousy between the Crown and the Subject, than any of those which would seem to be taken away by such a Satisfaction. And his Majesty doth not doubt, that his having granted more than ever King hath granted, will never persuade his House of Commons to ask more than ever Subjects have asked ; and if they shall acquaint his Majesty with the particular Grounds of their Doubts and Fears, he will very willingly apply Remedies proportionable to those Fears ; for his Majesty calls God to witness, that the Preservation of the public Peace, the Law and the Liberty of the Subject is, and shall always be, as much his Majesty's Care and Industry, as of his own Life, or the Lives of his dearest Children : And therefore his Majesty doth conjure his House of Commons, by all the Acts of Justice and Favour they have received from him, this Parliament, by their Hopes of future Happiness in his Majesty and in one another, by their Love of Religion and the Peace of this Kingdom, in which that of Ireland cannot be forgotten, that they will not be transported, by Jealousies and Apprehensions of possible Dangers, to put themselves or his Majesty into real and present Inconveniences ; but that they will speedily pursue the Way proposed by his Majesty's former Message, which, in human Reason, is the only Way to compose the Distractions of the Kingdom, and, with God's Blessing, will restore a great Measure of Felicity to King and People.

This

This Answer being read, the Lords took it into Consideration, and then resolved, first, to join with the Commons in voting, That whosoever advised the King to give this Answer, is of the malignant Party, and an Enemy to the Public Peace and Safety of the Kingdom: Likewise to join with them in the Petition, as desired; and these Votes being communicated to the other House, they returned for Answer, That they received them with a great deal of Joy, and that they hoped it would be for the Good of the King and of the whole Kingdom.

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Both Houses declare the Advisers of the said Answer to be Enemies to the Kingdom, &c.

February 2. A Draught of the above-mentioned Petition was read in the House of Lords, and agreed to; and presented to the King this Day by two Lords and four Commoners, *in hæc Verba*:

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LORDS and COMMONS assembled in Parliament.

Most Gracious Sovereign,

THE present Evils and Calamities wherewith your Kingdoms are most miserably intangled, the imminent Dangers which threaten your Royal Person and all your People, have caused us your most faithful and obedient Subjects, the Lords and Commons in this present Parliament, with Thankfulness to entertain, and with all Earnestness of Affection and Endeavour to pursue, the gracious Proposition and Direction which, not long since, we have received from your Majesty: And we have thereupon taken into our most serious Consideration the Ways and Means of securing the Safety of your Royal Person; preserving the Honour and Authority of your Crown; removing all Jealousies betwixt your Majesty and your People; suppressing the Rebellion in Ireland; preventing the Fears and Dangers in this Kingdom, and the mischievous De-

And petition the King again.

An. 17. Car. I. *Designs of those who are Enemies to the Peace of it.*

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And that we may, with more Comfort and Security, accomplish our Duties herein, we most humbly beseech your Majesty, that you will be pleased forthwith to put the Tower of London, and all other Forts and the whole Militia of the Kingdom, into the Hands of such Persons as shall be recommended unto your Majesty by both Houses of Parliament; which, they assure themselves, will be a hopeful Entrance into those Courses, which, through God's Blessing, shall be effectual for the removing all Diffidence and Misapprehension betwixt your Majesty and your People, and for establishing and enlarging the Honour, Greatness, and Power of your Majesty and Royal Posterity, and for the restoring and confirming the Peace and Happiness of your loyal Subjects in all your Dominions. And to this our most necessary Petition, we, in all Humility, expect your Majesty's speedy and gracious Answer, the great Distractions and Distempers of the Kingdom not admitting any Delay.

Sir Edward Dering expelled for printing his Speeches.

The same Day the House fell into a Debate and Consideration of a Book composed and printed by Sir Edward Dering; and observed unto him divers Passages out of it, which were laid to his Charge: And, after he had made his several and respective Answers unto these Charges, he was commanded to withdraw: Then it was resolved, 1. That a Book¹ of Sir Edward Dering's, intitl'd, *A Collection of Speeches made by Sir Edward Dering, Knight and Baronet, in Matter of Religion*, is against the Honour and Privilege of this House, and scandalous to this House; and shall be burnt, by the Hands of the common Hangman, in *Westminster, Cheapside, and Smithfield*. 2. That the said Sir Edward Dering shall be disabled to sit as a Member of this House, during this Parliament; and that a new Writ shall issue for electing a Knight to serve for the County of *Kent*, in the room and place of Sir Edward Dering, thus disabled; and that

¹ See before in this Volume, p. 45.

that he be sent to the *Tower*, there to remain during An. 17. Car. I.
the Pleasure of the House. ^m 1647.

Sir *Edward Dering* being call'd in, and kneeling at the Bar, Mr. Speaker pronounced this Sentence against him and his Book accordingly.

February.

The Trial of the twelve Bishops was, once more, put off to the 8th Instant; after which both Houses adjourned to the 4th, and ordered, in the mean Time, that Committees should sit on *Irish Affairs* at *Merchant-Taylors-Hall*.

Feb. 4. A Commission was sent from the King, Act passed for to give the Royal Assent to an Act *For the better levying Sailors, raising and levying of Sailors and Mariners for the present guarding of the Seas, &c.* which was done in the usual Form. Some more Petitions, from Counties, were read, of the same Strain with the former; which is all of Moment that was done in the House of Lords. But a very odd Petition was this Day presented to the Commons from several Gentlewomen, and Tradesmen's Wives, in the City. On the last Day of sitting these Female Zealots had been observ'd to crowd much about the Door of the House of Commons; and Serjeant-Major *Skippon*, the Commander of the Guard, had applied to the House to know what to do with them; they telling him, 'That where there was one now there would be five hundred the next Day; and that it was as good for them to die here as at home.' The House advised him to speak them fair, and send them home again: But this Day they were as good as their Words; for they came down in great Numbers and presented a Petition to the Commons, which was received and read ⁿ. This Petition is mentioned in their *Journals*; and as it is preserved in

^m Upon this last Question the House divided. Yeas 85, Noes 61. But he was discharged a few Days after. *Com. Journ.*

ⁿ It is probable the old jocular Story of the Door-Keeper of the House of Commons calling to a Crowd of Women in the Lobby, *Ladies fall back, and open to the Right and Left, that the Members may come in*, took its Rise from this Accident.

AN. 17. Car. I. in our Collections, we think proper to give it here,
 1641. with the Answer to it, as it was printed in these
 Times. °

February.

To the Honourable KNIGHTS, CITIZENS, and
 BURGESSES of the House of Commons, assembled in Parliament,

THE HUMBLE PETITION of the GENTLEWOMEN,
 TRADESMEN'S WIVES, and many others of the
 FEMALE SEX, all Inhabitants of the City of
 London, and the Suburbs thereof,

With the lowest Submission sheweth,

Petition to the
 Commons from
 the Tradesmen's
 Wives, &c. for
 Redress of Grievances,

THAT we, with all thankful Humility, acknowledging the unwearied Pains, Care, and great Charge, besides Hazard of Health and Life, which you, the noble Worthies of this honourable and renowned Assembly, have undergone, for the Safety both of Church and Commonwealth, for a long Time already past; for which not only we, your humble Petitioners; and all well-affected in this Kingdom, but also all other good Christians are bound now, and at all Times, to acknowledge; yet notwithstanding that many worthy Deeds have been done by you, great Danger and Fear do still attend us, and will, as long as Popish Lords, and superstitious Bishops are suffered to have their Voice in the House of Peers; that accursed and abominable Idol of the Mass suffered in the Kingdom; and that Arch-enemy of our Prosperity and Reformation lieth in the Tower, not yet receiving his deserved Punishment. P

All these, under Correction, gives us great Cause to suspect that God is angry with us; and to be the chief Causes why your pious Endeavours for a further Reformation proceedeth not with that Success as you desire, and is most earnestly prayed for, of all that wish well to true Religion, and the flourishing Estate both of King and Kingdom: The Insolencies of the Papists and their Abettors raiseth a just Fear and Suspicion

° Printed by Jobb Wright, at the King's-Head in the Old Bailey.
 P Archbishop Laud,

picion of sowing Sedition, and breaking out into bloody Persecution in this Kingdom, as they have done in Ireland; the Thoughts of which sad and barbarous Events maketh our tender Hearts to melt within us, forcing us humbly to petition this Honourable Assembly, to make safe Provision for yourselves and us, before it be too late.

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And whereas we, whose Hearts have joined cheerfully with all those Petitions which have been exhibited unto you, in the Behalf of the Purity of Religion, and the Liberty of our Husbands Persons and Estates; recounting ourselves to have an Interest in the common Privileges with them, do, with the same Confidence, assure ourselves to find the same gracious Acceptance with you, for easing of those Grievances, which, in regard of our frail Condition, do more nearly concern us, and do deeply terrify our Souls; our domestic Dangers, with which this Kingdom is so much distracted, especially growing on us from those treacherous and wicked Attempts which, already, are such as we find ourselves to have as deep a Share in as any others.

We cannot but tremble at the very Thoughts of the horrid and hideous Facts, which Modesty forbids us now to name, occasion'd by the bloody Wars in Germany and by his Majesty's late Northern Army. How often did it affright our Hearts, whilst their Violence began to break out so furiously upon the Persons of those whose Husbands or Parents were not able to rescue them: We wish we had no Cause to speak of those Insolencies, savage Usage, and unheard-of Rapes, exercised upon our Sex in Ireland: And have we not just Cause to fear they will prove the Fore-runners of our Ruin, except Almighty God, by the Wisdom and Care of this Parliament, be pleased to succour us, our Husbands and Children, which are as dear and tender to us as the Lives and Blood of our Hearts; to see them murder'd and mangled and cut in Pieces before our Eyes; to see our Children dast'd against the Stones, and the Mother's Milk, mingled with the Infant's Blood, running down the Streets; to see our Houses on flaming Fire over our Heads: Oh, how dreadful would this be!

We

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We thought it Misery enough, though nothing to that we have just Cause to fear, but few Years since, for some of our Sex, by unjust Divisions from their Bosom Comforts, to be rendered, in a Manner, Widows, and their Children fatherless; Husbands were imprisoned from the Society of their Wives, even against the Laws of God and Nature; and little Infants suffered in their Father's Banishments: Thousands of our dearest Friends have been compelled to fly, from Episcopal Persecutions, into desert Places amongst wild Beasts, there finding more Favour than in their native Soil: And, in the Midst of all their Sorrows, such hath the Pity of the Prelates been, that our Cries could never enter into their Ears or Hearts; nor yet, through Multitude of their Obstructions, could ever have Access or come nigh to those Royal Mercies of our most gracious Sovereign, which we confidently hope would have relieved us.

After all these Pressures ended, we humbly signify that our present Fears are, that unless the blood-thirsty Faction of the Papists and Prelates be hindered in their Designs, ourselves in England, as well as they in Ireland, shall be exposed to that Misery which is more intolerable than that which is already past; as, namely, to the Rage, not of Men alone, but of Devils incarnate, as we may so say, besides the Thralldom of our Souls and Consciences concerning God, which, of all Things, are most dear unto us.

Now the Remembrance of all these fearful Accidents aforementioned, do strongly move us from the Example of the Women of Tekoa, to fall submissively at the Feet of his Majesty, our dread Sovereign, and cry, Help, O King! Help ye the noble Worthies now sitting in Parliament! And we humbly beseech you, that you will be a Means to his Majesty and the House of Peers, that they will be pleased to take our heart-breaking Grievances into timely Consideration, and add Strength and Encouragement to your noble Endeavours; and further, that you would move his Majesty with our humble Requests, that he would be graciously pleased, according to the Example of the good King Asa, to purge both the Court and Kingdom

of

of that great idolatrous Service of the Mass, which An. 17. Car. I. is tolerated in the Queen's Court; this Sin, as we 1641. conceive, is able to draw down a greater Curse upon the whole Kingdom, than all your noble and pious Endeavours can prevent: The good and pious King Asa would not suffer Idolatry in his own Mother, whose Example if it shall please his Majesty's gracious Goodness to follow, in putting down Popery and Idolatry both in Great and Small, in the Court and in the Kingdom throughout; to subdue the Papists and their Abettors; and by taking away the Power of the Prelates; (whose Government, by long and woful Experience, we have found to be against the Liberty of our Conscience, the Freedom of the Gospel, and the sincere Profession and Practice thereof) then shall our Fears be removed: And we may expect that God will pour down his Blessings, in abundance, both upon his Majesty and upon this Honourable Assembly, and upon the whole Land:

February.

For which your Petitioners shall pray affectionately, &c.

The Reasons of this Petition follow:

IT may be thought strange, and unbeseeming our Sex, to shew ourselves by way of Petition to this Honourable Assembly: But the Matter being rightly considered of, the Right and Interest we have in the common and public Cause of the Church, it will, as we conceive, under Correction, be found a Duty commanded and required;

First, Because Christ hath purchased us at as dear a Rate as he hath done Men, and therefore requireth the like Obedience for the same Mercy, as of Men.

Secondly, Because in the free enjoying of Christ in his own Laws, and a flourishing Estate of the Church and Commonwealth, consisteth the Happiness of Women as well as Men.

Thirdly, Because Women are Sharers in the common Calamities, that accompany both Church and Commonwealth, when Oppression is exercised over the Church or Kingdom wherein they live; and unlimited Power given to the Prelates, to exercise Authority
over

AN. 17. Car. 1. *over the Consciencs of Women as well as Men; witness Newgate, Smithfield, and other Places of Persecution, wherein Women as well as Men have felt the Smart of their Fury.*
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Neither are we left without Example in Scripture; for when the State of the Church, in the Time of King Ahasuerus, was, by the bloody Enemies thereof, sought to be utterly destroyed, we find that Hester the Queen and her Maids fasted and prayed; and that Hester petitioned to the King, in the Behalf of the Church; and though she enterprized this Duty with the Hazard of her own Life, being contrary to the Law to appear before the King before she were sent for; yet her Love of the Church carried her through all Difficulties, to the Performance of that Duty.

On which Grounds we are emboldened to present our Humble Petition unto this Honourable Assembly, not regarding the Reproaches which may and are, by many, cast upon us; who do, not well weighing the Premises, scoff and deride our good Intent. We do it not out of any Self-conceit, or Pride of Heart, as seeking to equal ourselves with Men, either in Authority or Wisdom; but, according to our Places, to discharge that Duty we owe to God, and the Cause of the Church, as far as lyeth in us; following herein the Example of those godly Women, which have gone, in this Duty, before us.

The Editor of this Petition tells us, ‘ That it was presented by Mrs. Ann Stagg, a Gentlewoman, and Brewer’s Wife, and many others with her of like Rank and Quality; and that, after some Time spent in reading of it, the House sent them an Answer by Mr. Pymme, which was performed in this Manner:—Mr. Pymme came to the Commons Door, and called for the Women, and spake unto them in these Words :

Good Women,

Mr. Pymme’s
 Answer to them
 in the Name of
 the House.

‘ **Y**OUR Petition, with the Reasons, hath been read in the House, and is thankfully accepted of, and is come in a seasonable Time.

‘ You

‘ You shall, God willing, receive from us all the Satisfaction which we can possibly give to your just and lawful Desires. An. 17. Car. I.
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‘ We intreat you therefore to repair to your Houses, and turn your Petition, which you have delivered here, into Prayers at home for us; for we have been, are, and shall be, to our utmost Power, ready to relieve you, your Husbands, and Children; and to perform the Trust committed unto us, towards God, our King and Country, as becometh faithful Christians and loyal Subjects.’

About this Time also a Petition from the young Men, Apprentices, and Seamen; another from the poor Tradesmen and Manufacturers; and a third from the very Porters of *London*, were presented to the House of Commons, who received them all very graciously. Other Petitions.

February 5. The Earl of *Newport* acquainted the Lords, That his Majesty would answer the Petitions of both Houses, concerning the Lord *Kimbolton* and the five Members, and that concerning the Militia, both together.

The same Day a Bill, which had laid long in the House of Lords, *For taking away the Bishops Votes in Parliament*, was read a third Time; when, after a long Debate, the Question being put, Whether it should pass into a Law? it was resolved in the Affirmative; only the Bishops of *Winchester*, *Rochester*, and *Worcester* dissenting. The Lords pass the Bill for taking away the Bishops Votes.

February 7. The Passing this Bill being communicated to the Commons, a Message was sent up the next Day of Meeting, by Sir *Robert Harley*, importing, ‘ That the House of Commons did much rejoice in that clear Concurrence and Correspondency between both Houses; and they desired their Lordships would send some Lords to the King, humbly to request, That he would be pleased to

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S

CROWN

An. 17. Car. I. crown this Bill with his Royal Assent, as one of the chiefest Means of giving Satisfaction to Men's Minds, and exceedingly conducing towards settling the Distractions of the Kingdom; which was the rather desired as soon as possible, because the Bill was to commence, and be of Force, on the 15th of this Instant *February*.

The Lords agreed also to this Proposal, and ordered two of their Body to attend the King for that Purpose.

This Day the Lord-Keeper produced a Letter from the King, in which was inclosed his Majesty's Answer to the two late Petitions from Parliament, which the Lords ordered to be read, and was as follows:

The King's second Answer relating to the Forts and Militia,

HIS Majesty having well consider'd of the two several Petitions, presented to him the second Instant, from both Houses of Parliament; and being desirous to express how willing he is to apply a Remedy, not only to your Dangers, but even to your Doubts and Fears; he therefore, to that Petition which concerns the Forts and Militia of this Kingdom, returns this Answer, That when he shall know the Extent of Power, which is intended to be established in those Persons you desire to be Commanders of the Militia in the several Counties; and likewise to what Time it shall be limited that no Power shall be executed by his Majesty alone without the Advice of Parliament:

Then he will declare, That (for the securing you from all Dangers, or Jealousies of any) his Majesty will be content to put in all the Places both of Forts and Militia in the several Counties, such Persons as both the Houses of Parliament shall either approve or recommend unto him; so that you declare before unto his Majesty the Names of the Persons whom you approve or recommend; unless such Persons shall be named, against whom he shall have just and unquestionable Exceptions.

To

To the other Petition, concerning the Members An. 17. Car. 1.
of either House, his Majesty return'd this Answer: 1641.

THAT as he once conceived that he had Ground enough to accuse them, so now his Majesty finds as good Cause wholly to desert any further Prosecution of them: And for a further Testimony of his Majesty's real Intention towards all his loving Subjects, some of whom haply may be involv'd in some unknown or unwilling Errors; for the better composing and settling of Fears and Jealousies, of what kind soever; his Majesty is ready to grant as free and general a Pardon, for the full Contentment of all his loving Subjects, as shall, by the Approbation of both Houses of Parliament, be thought convenient for that Purpose.

February 1

And to that of the accused Members:

To these Answers his Majesty added, That being very much press'd by the States Ambassador, to send the Princess his Daughter immediately into Holland; and being likewise earnestly desired by his Royal Consort, the Queen, to give her Majesty Leave to accompany her Daughter thither, he hath thought fit to consent to both Desires; and to make this his Majesty's Consent, and her Majesty's Resolutions, known to his Parliament.

His Message concerning the Queen and Princess of Orange

Copies of these were sent down to the Commons.

In the Afternoon of the same Day, the Commons desired a Conference with the Lords about the aforesaid Answers; the Report of which was, ' That they presented to their Lordships an Ordinance of Parliament, concerning the Militia, with some Resolutions of their House, about the Continuance of Power to be put to it; which was voted to continue untill it was alter'd by the Advice and Desires of both Houses: And that the Power of recommending or altering such Persons, as shall be trusted with the Militia, be on the same Footing as in the former.

The Trial of the Bishops was again put off, at the Desire of the Commons, for a Week longer.

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Debate in the
House of Com-
mons concerning
the Militia.

There had been many Debates in the House of Commons concerning the Militia: In which some Members declared their Opinions, That the Power of the Militia was solely in the King, and ought to be left to him; and that the Parliament never did, nor ought to meddle with the same. Others were of Opinion, That the King had not this Power in him, but that it was solely in the Parliament; and that if the King refused to order the same according to the Advice of the Parliament, that then they, by Law, might do it without him. In one of these Days Debates, tho' it is not said which, Mr. *Whitlocke* spoke as follows:

Mr. Speaker,

Mr. *Whitlocke's*
Speech on that
Occasion.

I Have often heard it said in former Debates, in other Matters, in this House, That such and such a Thing was of as great Concernment as ever came within these Walls. I am sure it may be said so of the Matter of your present Debate: It is truly of the greatest Concernment that ever came within these Walls.

' It highly concerns us all, and our Posterity after us, where this Power of the Militia shall be placed. This great Power, which indeed commands all Men, and all Things, cannot be too warily lodged, nor too seriously considered; and I do heartily wish that this great Word, this new Word, this hard Word, the *Militia*, might never have come within these Walls; but that this House may be, as the Temple of *Janus*, ever shut against it. I take the Meaning of those Gentlemen who introduced this Word to be, the Power of the Sword, *Potestas Gladii*, which is a great and necessary Power, and properly belonging to the Magistrate; *Potestas Gladii in Facinerosos*, without which our Peace and Property cannot be maintained.

' But *Potestas Gladii in Manibus Facinerosorum*, in the Hands of Soldiers, is that whereof you now debate: And it is best out of their Hands; I hope
it

it will never come there. Some worthy Gentle-^{An. 17. Car. V.}
men have declared their Opinions, that this Power
of the Militia is, by Right and Law, in the King
only: Others affirm it to be in the Parliament only.
I crave Leave to differ from both these Opinions. I
humbly apprehend that this Power of the Militia is
neither in the King only, nor in the Parliament only;
and if the Law hath placed it any where, it is both in
the King and Parliament, when they join together.

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‘ And it is a wise Institution of our Law, not
to settle this Power any where; but rather to leave
it *in dubio*, or *in Nubibus*, that the People might
be kept in Ignorance thereof, as a Thing not fit to
be known, nor to be pried into. It is the great
Arcanum Imperii, and the less it is meddled with,
the less Acquaintance we have with it, the better
it will be for all Sorts of Persons, both for King
and People.

‘ That this Power of the Militia is not in the
King only, appears in this, that the Power of Mo-
ney is not in the King; but it will be granted here,
that the Power of Money is solely in this House;
and without the Power of Money to pay the Sol-
diers, the Power of the Militia will be of little
Force.

‘ But if the Power of the Militia should be in the
King, yet the Power of Money being in the Par-
liament, they must both agree, or else keep the
Sword in the Scabbard, which is the best Place for it.

‘ It is true that the King, by his Tenures, may
require the Service, in War, of those that hold of
him; but if they stay above forty Days with him,
unless he gives them Pay, they will stay no longer.

‘ And it is also true, as hath been observed, that
our Law looks upon the King, as the *Jewish Law*
did upon theirs, that, by his Kingly Office, *he is to*
go in and out before the People, and to lead them in
Battle against their Enemies; but, by the Laws of
the *Jews*, their King could not undertake a *War*
abroad without the Consent of the great *Sanhedrim*.

‘ And, by our Law, as is declared by the Statute
1. *Edward III.* and by divers subsequent Statutes,

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the King can compel no Man to go out of his Country, but upon the sudden Coming of strange Enemies into the Realm; and how many of our Parliament Rolls do record that the King advised with his Parliament about his foreign Wars, and could not undertake them without the Advice and Supplies of the Parliament?

‘ All the Power of the Militia is exercised either in Offence or Defence. Defence is either against the Invasion of Enemies from abroad, or against Insurrections at home.

‘ Against Insurrections at home, the Sheriff of every County hath the Power of the Militia in him; and if he be negligent to suppress them with the *Posse Comitatus*, he is finable for it.

‘ Against Invasions from abroad, every Man will be forward to give his Assistance; there will be little Need to raise Forces, when every Man will be ready to defend himself, and to fight *pro Aris & Focis*.

‘ As to offensive War against a foreign Enemy, if the King will make it of himself, he must of himself pay his Army, which his own Revenue will hardly afford; nor can he compel any of his Subjects to serve him in those Wars; none can, by Law, be pressed to serve in that War but by Act of Parliament.

‘ But not to waste more of your Time, Sir, I shall conclude, that, in my humble Opinion, the Power of the Militia is neither in the King alone, nor in the Parliament; but, if any where, in the Eye of the Law, it is in the King and Parliament both consenting together: And I think it best that it should be there still.

‘ I cannot join in that Advice to you, to settle the Militia of ourselves without the King; but rather with those worthy Gentlemen who have moved, that we, yet again, should petition his Majesty that the Militia may be settled in such Hands as both he and you shall agree upon whom you may trust; and who, I hope, will be more careful to keep the Sword sheathed than to draw it.’

Feb.

Feb. 8. The next Day, the House of Lords agreed to the aforeſaid Reſolutions of the Commons about the Militia. The Earl of *Monmouth* reported what the King ſaid concerning the Meſſage of both Houſes, to him, for paſſing the Bill to take away the Biſhops Votes, ' That it was a Matter of Weight, which his Maſteſty would take into Conſideration, and ſend an Answer in convenient Time.

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Order'd that this be ſent down to the other Houſe.

In the Afternoon, the Commons deſired another Conference with the Lords, which was reported back to that Houſe, ' That the Commons ſay, they could not receive the King's Answer about the Biſhops Bill, but with great Sorrow, little Hope ariſing that it would paſs.' They ſay, they hold a Delay to be as bad as a Denial; and ſeeing the paſſing of this Bill is a Matter of that great Importance, the Vote of the whole Kingdom being for it, as may appear by daily Petitions from ſeveral Parts, the Houſe of Commons deſire the Lords to join with them in laying the three following Reaſons for it before the King :

1^{ſt}, ' The great and general Sufferings of the Kingdom, by the Clergy's exerciſing of Secular Jurifdictions, and the Biſhops making a Party in the Houſe of Lords, as has been of late expreſſed from ſeveral Parts; it is the Opinion of Parliament that there cannot be Satisfaction given either to the People's juſt Deſires, or the heavy Grievances they ſuffer under, without the ſpeedy paſſing of this Bill.

The Commons
Reaſons for haſt-
ening it.

2^{dly}, ' The great Content which the Bill's paſſing in both Houſes, hath given to all Sorts of People; the Delay whereof by his Maſteſty will exceedingly leſſen that Satisfaction, and turn it into great Diſcouragement.

3^{dly}, ' The ſpeedy paſſing of this Bill, of ſuch Importance, would be, to the Lords and Commons, a comfortable Pledge of his Maſteſty's gracious Intentions to concur with them in their ſubſequent Deſires; which they are preparing to preſent to his Maſteſty, as the Cures of thoſe great Evils and Miſeries the Kingdom now groans under.'

The

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The Lords joined with the Commons in presenting these Reasons to the King, and chose two of their Body to go with a fit Number of the Commons, for that Purpose. The Bill for pressing of Soldiers passed the House of Lords this Day; and the giving the Royal Assent to it was made a Part of the abovesaid Message.

The same Day Mr. Speaker read a Letter from his Majesty, inclosing this Message:

The King complains of a Passage in Mr. Pymme's Speech.

HIS Majesty taking Notice of a Speech, pretending, in the Title, to have been delivered by Mr. Pymme, at a Conference, and printed by Order of the House of Commons; in which it was affirmed, That since the Stop upon the Ports against all Irish Papists, by both Houses, many of the chief Commanders, now in the Head of the Rebels, have been suffer'd to pass by his Majesty's immediate Warrant; and being very certain of having used extreme Caution in the granting of Passports into Ireland; so that he conceives either this Paper not to have been so delivered and printed as it pretends, or this House to have received some Misinformation: His Majesty would be resolv'd, whether this Speech were so delivered and printed; and, if it were, would have this House to review, upon what Informations that Particular was ground'd; that either That may be found, upon Examination, to have been false, and both this House and his Majesty injured by it; or that his Majesty may know by what Means, and by whose Fault, his Authority hath been so highly abused, as to be made to conduce to the Assistance of that Rebellion, which he so much detests and abhors; and that he may see himself fully vindicated from all Reflections of the least Suspicion of that Kind.

Hereupon a Committee was appointed to consider of the King's Message, also of the Informations given to the House touching this Business, and what was fit to be done thereupon.

Feb.

Feb. 9. The Commons sent to the Lords an Ordinance concerning the Militia, which had passed their House with Amendments. But some Objections arising, Whether the Words, *shall answer their Contempt to the Lords and Commons*, did not give a Part of Judicature to the Lower House, it was thought fit to add to 'the Lords and Commons' in a *Parliamentary Way*; which was agreed to.

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Then the whole was read in these Words;

Whereas there has been, of late, a most dangerous and desperate Design upon the House of Commons, which we have just Cause to believe to be an Effect of the bloody Counsels of Papists and other ill-affected Persons, who have already raised a Rebellion in the Kingdom of Ireland: And by reason of many Discoveries, we cannot but fear they will proceed, not only to stir up the like Rebellion and Insurrections in this Kingdom of England, but also to back them with Forces from abroad:

An Ordinance concerning the Militia.

For the Safety, therefore, of his Majesty's Person, the Parliament and Kingdom, in this Time of imminent Danger;

It is ordained by the King, Lords and Commons now in Parliament assembled, that shall have Power to assemble and call together all and singular his Majesty's Subjects within the County of , as well within Liberties as without, that are meet and fit for the Wars, and them to train, exercise, and put in Readiness, and them, after their Abilities and Faculties, well and sufficiently, from Time to Time, to cause to be arrayed and weaponed, and to take the Muster of them in Places most fit for that Purpose.

And shall have Power and Authority, within the said County, to nominate and appoint such Persons of Quality, as to him shall seem meet, to be his Deputy-Lieutenants, to be approved of by both Houses of Parliament. And that any one or more of the said Deputies, so assigned and approved of, shall, in the Absence, or by

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‘ by the Command of the said _____, have
 ‘ Power and Authority to do and execute within
 ‘ the County of _____ all such Powers and
 ‘ Authorities as before in this present Ordinance
 ‘ contained. And shall have Power to make Co-
 ‘ lonels and Captains, and other Officers, and to re-
 ‘ move out of their Places, and make others, from
 ‘ Time to Time, as he shall think fit for that Pur-
 ‘ pose. And _____ his Deputies, Colonels, and
 ‘ Captains, and other Officers, shall have further
 ‘ Power and Authority to lead, conduct, and em-
 ‘ ploy the Persons aforesaid arrayed and weaponed,
 ‘ as well within the County of _____, as
 ‘ within any other Part of this Realm of *England*,
 ‘ or Dominion of *Wales*, for the Suppression of all
 ‘ Rebellions, Insurrections, and Invasions, that
 ‘ may happen, according as they, from Time to
 ‘ Time, shall receive Directions by his Majesty’s
 ‘ Authority signified unto them by the Lords and
 ‘ Commons assembled in Parliament.

‘ And it is further ordained, That such Persons
 ‘ as shall not obey in any of the Premises, shall an-
 ‘ swer their Neglect and Contempt to the Lords
 ‘ and Commons in a Parliamentary Way, and not
 ‘ otherwise, nor elsewhere: And that every the
 ‘ Powers granted, as aforesaid, shall continue, un-
 ‘ till it shall be otherwise ordered or declared by
 ‘ both Houses of Parliament, and no longer.

‘ This also to go to the Dominion of *Wales*.’

JOHN BROWN, *Cler. Parl.*

The Commons next proceeded to nominate Per-
 sons to be, by them, recommended to the King, as
 fit to be intrusted with the Militia of the Kingdom;
 wherein they desir’d the Lords Concurrence, which
 was granted. Sir *John Conyers* was, again, recom-
 mended to the King, from both Houses, as Lieu-
 tenant of the *Tower*.

The Nomination of the Lieutenants of the sever-
 al Counties, in *England* and *Wales*, employed the
 Commons three several Days. The following List of
 them, extracted from their *Journals*, will shew who
 were

were at this Time the Favourites of that House, and also serve to illustrate many Passages in the Sequel.

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COUNTIES in ENGLAND.

Names of the Persons recommended to be Lieutenants of Counties,

B erkshire,	Earl of Holland.
Bedfordshire,	Earl of Bolingbroke,
Buckinghamshire,	Lord Paget,
Cambridgeshire and the } Isle of Ely,	Lord North,
Cheshire and the Coun- } ty and City of Chester	Lord Strange.
Cornwall,	Lord Roberts.
Cumberland,	Lord Grey de Werk.
Derbyshire,	Earl of Rutland.
Devonshire, and the } County and City of	Earl of Bedford.
Exeter,	
Dorsetshire, and the } County of the Town	Earl of Salisbury.
of Poole,	
Isle of Purbeck, in the } County of Dorset,	Sir John Banks, Knight, Lord Chief Justice of the Common Pleas, and Constable of Corfe Castle.
Durham,	Sir Henry Vane, sen.
Essex,	Earl of Warwick.
Gloucestershire, and the } County and City of	Lord Chandois,
Gloucester,	
Hampshire, and the } Town and County	Earl of Pembroke.
of Southampton and } Isle of Wight,	
Hertfordshire,	Earl of Salisbury.
Herefordshire,	Lord Dacres.
Huntingdonshire,	Lord Mandeville.
Kent, and the City and } County of Canter-	Earl of Leicester.
bury,	
Lancashire,	Lord Wharton.
Leicestershire,	Earl of Stamford,

Lin.

An. 17. Car. I.	<i>Lincolnshire</i> ; the Parts	
1641.	of <i>Kesteven</i> and <i>Holland</i> , and County of	
February.	the City of <i>Lincoln</i> ;	Earl of <i>Lincoln</i> .
	And for the Parts of	
	<i>Lindsey</i> ,	Lord <i>Willoughby de Parham</i> .
	<i>Middlesex</i> ,	Earl of <i>Holland</i> ,
	<i>Monmouthshire</i> ,	Lord <i>Philip Herbert</i> .
	<i>Northamptonshire</i> ,	Lord <i>Spencer</i> .
	<i>Nottinghamshire</i> , and	
	the Town and County of <i>Nottingham</i> ,	Earl of <i>Clare</i> .
	<i>Northumberland</i> , the	
	Town and County of	
	<i>Newcastle</i> , and the	Earl of <i>Northumberland</i> .
	Town of <i>Berwick</i> ,	
	<i>Norfolk</i> , and the County	
	and City of <i>Norwich</i> ,	Earl of <i>Warwick</i> .
	<i>Oxfordshire</i> ,	Lord Viscount <i>Say and Sele</i> .
	<i>Rutlandshire</i> ,	Earl of <i>Exeter</i> .
	<i>Salop</i> ,	Lord <i>Littleton</i> , Lord Keeper
	<i>Somersetshire</i> ,	Marquis of <i>Hertford</i> .
	The County and City	
	of <i>Bristol</i> ,	Mr. <i>Denzil Holles</i> .
	<i>Staffordshire</i> , and the	
	County of the City	
	of <i>Lichfield</i> ,	Earl of <i>Essex</i> .
	<i>Suffolk</i> ,	Earl of <i>Suffolk</i> .
	<i>Surrey</i> ,	Earl of <i>Nottingham</i> .
	<i>Sussex</i> ,	Earl of <i>Northumberland</i> .
	<i>Warwickshire</i> , and the	
	County of the City	
	of <i>Coventry</i> ,	Lord <i>Brooke</i> .
	<i>Westmoreland</i> ,	Earl of <i>Cumberland</i> .
	<i>Wiltshire</i> ,	Earl of <i>Pembroke</i> .
	<i>Worcestershire</i> , and the	
	County of the City	
	of <i>Worcester</i> ,	Lord <i>Howard of Esrick</i> .
	<i>Yorkshire</i> , the Counties	
	of the City of <i>York</i> ,	
	and of the Town of	Earl of <i>Essex</i> .
	<i>Kingston upon Hull</i> .	

COUN-

COUNTIES in WALES.

Isle of Anglesey,

Brecon,

Cardigan,

Caermarthen, and the
Town of Caermar-
then,

Caernarvon,

Denbigh,

Flint,

Glamorgan,

Montgomery,

Merioneth,

Pembrokeshire, and the
Town of Haver-
ford-West,

Radnor,

Earl of Northumberland.

Lord Philip Herbert.

Earl of Carbery.

Ditto.

Earl of Pembroke.

Lord Fielding.

Ditto.

Lord Philip Herbert.

Earl of Essex.

Earl of Pembroke.

Earl of Northumberland.

Ld Littleton, Lord Keeper

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The same Day, Feb. 9, Sir William Lewis reported, from the Committee appointed to consider the King's Message relating to Mr. Pymme's Speech, the following Answer; which was read, and, upon the Question, assented to by the House, and was as follows:

‘ YOUR Majesty’s most loyal and faithful Sub-
‘ jects, the Commons now assembled in Par-
‘ liament, have taken into their serious Considera-
‘ tion the Message received from your Majesty,
‘ the seventh of this Instant February; and do ac-
‘ knowledge, that the Speech therein mentioned to
‘ be delivered by Mr. Pymme, at a Conference, was
‘ printed by their Order; and that what was therein
‘ delivered, was agreeable to the Sense of the House:
‘ And, touching that Passage, wherein it is affirm’d,
‘ That since the Stop upon the Ports against all
‘ Irish Papists, by both Houses, many of the chief
‘ Commanders, now in the Head of the Rebels, have
‘ been suffered to pass, by your Majesty’s immediate
‘ Warrant, they present your Majesty with this
‘ their humble Answer:

‘ That

The Commons
Answer to the
King’s Message
concerning Mr.
Pymme’s Speech.

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‘ That they have received divers Advertisements; concerning several Persons, *Irish* and other Papists; which have obtained your Majesty’s immediate Warrant for their passing into *Ireland*, since the Order of Restraint of both Houses; some of which, as they have been inform’d, since their coming into *Ireland*, have joined with the Rebels, and been Commanders amongst them; and some others have been stay’d, and are yet in safe Custody; particularly the Lord *Delvyn*, and four other Persons in his Company, whereof one is thought to be a Priest; one Colonel *Butler*, Brother to the Lord *Montgarrat*, now in Rebellion, and Sir *George Hamilton*; all which are Papists; and one other, as is reported, being the Son of Lord *Netterville*, whose Father and Brother are both in Rebellion: The particular Names of others we have not yet received; but doubt not, upon Examination, they may be discovered.

‘ And your Majesty’s most faithful Subjects are very sorry, that the extreme Caution which your Majesty hath used, hath been so ill seconded with the Diligence and Faithfulness of your Ministers; and that your Royal Authority should be so highly abused; although, as it was express’d in that Speech by Mr. *Pymme*, we believe it was by the Procurement of some evil Instruments, too near your Royal Person, without your Majesty’s Knowledge and Intention: And we beseech your Majesty to take such Course, that not only your Honour may be vindicated for the Time past, but your Kingdom may be secured from the like Mischief for the Time to come.’

Mr. Chancellor of the Exchequer^r, Mr. *Carew*, Sir *Dudley North*, and Mr. *Strangeways*, were appointed to attend his Majesty with this Answer the next Day.

Fe-

^r Sir *John Colepeper*, so appointed about this Time, when Lord *Falkland* was made Secretary of State.——The Reasons for their Promotion are, very particularly, mentioned by Lord *Clarendon*, Vol. I. 8vo. p. 340.

Feb. 10. The King's Answer to the last Message An. 17. Car. I.
1641. from the Parliament, about giving the Royal Assent to the two Bills, was reported to the Lords, *That one of them being of so great Weight, and the other not having as yet been seen, either by his Majesty or his Council, he will take yet some further Time; and is resolved to return as speedy an Answer as the Importance of the Business will permit.* February.

Several more Petitions from Counties, to the same Purpose as those before given, were presented and read; amongst which there was a short one from the Gentry, Ministry, and Commonalty of *Cleveland*, in the County of *York*, so particular in its Style, as to deserve our Notice.

To the Rt. Hon. the LORDS and COMMONS of the House of Parliament.

*W*Hereas we know no other Means, under God, Petition from the
Inhabitants of
Cleveland. to divert the just judgments which he hath executed against the Church of the *Laodiceans*, for their *Lukewarmness in Religion*; or against the Church of *Thyatira*, for keeping *Seducers*; nor to prevent our imminent Dangers, but by a most necessary and speedy executing of the Laws of God and the King: We do therefore desire to certify, that we are resolved to live and die in the Faith of the Protestant Religion, knowing no other Means of Salvation; and that we will defend it with our Lives and Goods: Which that we may, with our Abilities, be encouraged in performing, we humbly, above all Things, desire that we may be secured; a happy Reformation afforded; and the Laws of God and the King, without Favour or Delay, justly put in Execution against *Papists*.

And your Petitioners, &c.

This Petition is said, in the *Lords Journals*, to be subscribed by several hundred Hands.

Feb. 11. The King's Answer to the Desires of both Houses, about the Lieutenantancy of the *Tower*, was reported to the Lords, which was to this Effect:

At

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The King con-
sents to the Re-
moval of Sir John
Byron.

Although his Majesty thinks himself not obliged to give an Answer, in any Particular, concerning the Forts and Militia of the Kingdom, untill he shall know the Extent of the Power and Time, and to whom they shall be disposed of; yet, to shew his real Intention to satisfy the Fears of his People, he is content to accept of Sir John Conyers, in the Place of Sir John Byron, to be Lieutenant of the Tower; having already, at his earnest Desire, received the Surrender of the said Place from him.

This Answer was immediately ordered to be sent down to the Commons.

Feb. 12. Nothing material done in the Upper House, as this Day, except reading another Petition from the County of *Warwick*, against the Bishops Votes in Parliament, &c. Adjourned to

Feb. 14. The Lord-Keeper acquainted the Lords, That he had received a Commission from the King, to give the Royal Assent to two Bills; one for levying of Soldiers, and the other for taking away the Bishops Votes and Seats in that House; and likewise that he had received a Message from his Majesty, which was to be read after the Bills were passed. He then addressed himself to the Lords as follows: ^a

My Lords,

The Lord-Keeper's Speech at giving the Royal Assent to two Bills, for levying him by the Representative Body of the Kingdom, Soldiers, and taking away the Bishops Votes.

HIS Majesty being very willing to give full Satisfaction to all the just Desires of his Subjects, especially when they are transmitted to him by the Representative Body of the Kingdom, the Lords and Commons assembled in the High Court of Parliament, his great and general Council, hath therefore taken into his serious Consideration two Bills of great Importance, which were lately passed by the Votes of both Houses; the one *For*

^a This Speech of the Lord-Keeper's is copied from the *Lords Journals*: It is also printed in a single Pamphlet of this Time, but ill taken, and very imperfect.

impressing and raising of Soldiers for the present Expedition into Ireland, to aid and relieve the poor distressed Protestants, who are there daily and barbarously butchered and massacred by the over-prevailing Party of the bloody Papists; a Thing taken much to Heart by the King and all other good Men. An. 17. Car. 1.
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In which Bill there is contain'd a Clause, tending much to the Security of the Persons of the Subjects of this Kingdom, in declaring, That, by Law, no Man ought to be impress'd nor otherwise compelled to go out of his Country, to serve as a Soldier, without his own particular Assent; or by common Consent of Parliament, wherein he is involv'd; unless it be upon Necessity of the sudden Coming of strange Enemies into the Land, as, heretofore, it was ordained by a Statute made in the first Year of the Reign of the noble King Edward III. or that he be thereunto obliged by Tenure; the contrary whereof hath been practised for many Ages *viâ Facti*.

'The second Bill, much wished and earnestly insisted on, is, *For taking away the Votes of Bishops out of the Lords House, and exempting them from the Trouble of other Secular Affairs*; that so, being reduced to their first and original Institution, they may the better attend the gaining of Souls to Heaven, by their frequent Preaching and other divine Offices proper to their Function; a Work much more excellent than their mingling in Temporal Business. But in regard his Majesty cannot, with Conveniency, be present to give the Royal Assent to these two Bills in Person, he hath done it by Commission; which your Lordships and the Gentlemen of the House of Commons may be pleased to hear read to your great Satisfaction, and Content of the People in general.'

This being ended, with the Ceremony of passing the two Bills, the King's Message, dated at *Canterbury, February 13*, where he went to set the Queen on her Journey to *Holland*, was read to both Houses in these Words;

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Though

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His Majesty's
Message upon
that Occasion.

THough his Majesty is assured, that his having so suddenly passed these two Bills, being of so great Importance, and so earnestly desired by both Houses, will serve to assure his Parliament, that he desires nothing more than the Satisfaction of his Kingdom; yet that he may further manifest to both Houses how impatient he is, till he find out a full Remedy to compose the present Distempers, he is pleased to signify,

That his Majesty will, by Proclamation, require that all Statutes made concerning Recusants be, with all Care, Diligence, and Severity, put in Execution:

That his Majesty is resolved, that the seven condemned Priests shall be immediately banished, if his Parliament shall consent thereunto: And his Majesty will give present Order, if it shall be held fit by both Houses, that a Proclamation issue to require all Romish Priests, within twenty Days, to depart the Kingdom; and if any shall be apprehended after that Time, his Majesty assures both Houses, on the Word of a King, that he will grant no Pardon to any such, without Consent of his Parliament.

And because his Majesty observes great and different Troubles to arise in the Hearts of his People concerning the Government and Liturgy of the Church, his Majesty is willing to declare, That he will refer that whole Consideration to the Wisdom of his Parliament; which he desires them to enter into speedily, that the present Distractions about the same may be composed: But desires not to be pressed to any single Act on his Part, till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away.

For Ireland, in behalf of which his Majesty's Heart bleeds, as his Majesty hath concurred with all Propositions made for that Service by his Parliament, so he is resolved to leave nothing undone for their Relief which shall fall within his possible Power; nor will refuse to venture his own Royal Person in that War, if his Parliament shall think it convenient, for the Reduction of that miserable Kingdom.

And, lastly, his Majesty taking Notice, by several Petitions, of the great and general Decay of Trade
in

in this Kingdom, and more particularly of that of An. 17. Car. I.
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Cloathing and new Draperies, concerning which he received lately, at Greenwich, a modest, but earnest, Petition from the Clothiers of Suffolk; of which Decay of Trade his Majesty hath a deep Sense, both in respect of the extream Want and Poverty it hath brought, and must bring, upon many thousands of his loving Subjects; and of the Influence it must have, in a very short Time, upon the very Subsistence of this Nation; doth earnestly recommend the Consideration of that great and weighty Business to both Houses; promising them that he will, most readily, concur in any Resolution their Wisdoms shall find out, which may conduce to so necessary a Work. February.

The House of Commons being withdrawn, it was moved That the King might receive Thanks and Acknowledgments for his Grace and Goodness in passing the two Bills, and likewise for his Message; and a Committee was appointed to draw up a Form to that Purpose. Which being done, was read to the House as follows:

‘ The Lords and Commons assembled in Parlia- For which both Houses return Thanks.
‘ ment do with much Joy receive, and with much
‘ Thankfulness acknowledge, your Majesty’s Grace
‘ and Favour in giving your Royal Assent to a Bill,
‘ intituled, *An Act for disabling all Persons in Holy Orders to exercise any Temporal Jurisdiction or Authority*; and also your Majesty’s Care for Ireland, expressed in the Dispatch of the *Bill for Pressing*, so much importing the Safety of that and this Kingdom; and they do, with the like Thankfulness, acknowledge your Majesty’s gracious Favours, expressed in the Message to both Houses, that your Majesty will not grant any Pardon to any *Romish Priest* without Consent of Parliament.’

This, being agreed to by the Lords, was sent down to the Commons, for their Approbation, which they gave to it; but desired that the Ordinance of Parliament, touching the Militia, might be presented at the same Time. The Lords de-

An. 17. Car. I. murmured to this ; and ordered, That they should be presented separately.

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The same Day, the Commons sent up an Impeachment against Sir *Edward Herbert*, the King's Attorney-General, for High Crimes and Misdemeanors ; which was read in the House of Lords in *hæc Verba* :

The Commons
Impeachment a-
gainst the Attor-
ney-General.

‘ **T**HAT the said Sir *Edward Herbert*, Knt. his Majesty's Attorney-General sworn, on the third Day of *January*, in the Year of our Lord 1641, contrary to his Oath, and the Duty of his Place, did falsely, scandalously, and maliciously, advise, [*contrive*] frame, and publish certain false, scandalous, [*and malicious*] Articles of High Treason against the Lord *Kimbolton*, one of the Members of the House of Peers in Parliament, *Denzil Holles*, Esq; Sir *Arthur Haselrigge*, Bart. *John Pymme*, *John Hampden*, and *William Strode*, Esq^{rs}. being then, and yet, Members of the House of Commons in Parliament, which Articles follow in these Words :

Here the Articles are recited, which we have before given at p. 157.

‘ And the said Sir *Edward Herbert*, the said third Day of *January*, did falsely, unlawfully, and maliciously, exhibit the said Articles into the House of Peers in Parliament, and caused the same to be entered into the Clerk's Book of the said House ; intending and endeavouring thereby, falsely, unlawfully, and maliciously, to deprive the said Houses of their said several Members, and to take away their Lives, Estates, and good Names.

‘ All which Doings of the said Attorney, and every of them, were, and are, high Breaches of the Privileges of Parliament, tending to Sedition, and to the utter Subversion of the Fundamental Rights and Being of Parliaments, the Liberty of the Subject, and to the great Scandal and Dishonour of his Majesty [*and his Government ; and were*

were, and are, contrary to the Oath of the said Attorney-General, and to the great Trust reposed in him by his Majesty; and contrary to the Laws of this Realm; and a great Derogation to his Majesty's Royal Crown and Dignity.]

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For which high Crimes and Misdemeanors the said Commons, saving to themselves the Liberty of exhibiting any further or other Impeachment, or Accusation, against the said Sir Edward Herbert, do impeach him; and do pray that he may be forthwith put to answer the Premises in the Presence of the Commons; [and that his Person may be secured].

Hereupon the Attorney-General was sent for, and standing in his Place, as Assistant, the Charge was read to him, who answered, That he humbly desired to have a Copy of the Impeachment, and such Time allowed as their Lordships do, in Justice, give to others. The Lords gave him eight Days to bring in his Answer; and the Earl of Monmouth offering himself as Bail for his Appearance, he was bound in 5000*l.* Bond for it.

The next Day having been appointed for the Trial of the Bishops, another Message came up from the Commons, That, in regard of the many great and important Occasions now depending before them, they desire the Trial might be put off till Friday come Se'nnight, and that they would then desire no further Time. The Lords agreed to this; but ordered, That, in regard the Bishops had been so many Times put off, from Day to Day, from Trial, and that many of them were aged Men, they should be bailed; provided they found such Security as the House should approve of, for their Appearance on the said Day, which was to be peremptory on all Sides.

The Trial of the twelve Bishops put off again,

A Packet of Letters from Lord Digby being intercepted, directed to Secretary Nicholas, was ordered

T 3

dered

* The Passages printed in *Italic* are omitted in *Russet*.

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Lord Digby's
Letters to the
Queen, &c. in-
tercepted.

dered to be opened; but one of them being directed to the Queen, the Lords disputed the Opening of it, and sent to know the Opinion of the House of Commons about it. They returned for Answer, That they had voted it should be opened; on which the Lords, conceiving this Affair to be a Thing of great Consequence, desired a Conference; the Report of which was, 'That the Commons said, They saw no Reason to alter their Vote, 1. Because it concerned the Safety of the Kingdom; for, by this Means, the evil Spirit and Counsels of the Lord Digby might be discover'd and prevented. 2. If this Letter should be delivered to the Queen unopened, the Parliament would be put to a deal of Trouble to discover what is presented to her Majesty in these Letters. 3. Since, of late, they had very good Reason to suspect the Lord Digby as an ill Instrument, they conceived they ought not to lose so happy an Occasion offered to do the State Service; which, if neglected, they should not be able to answer.' On this a great Debate arose in the Lords, but, at last, it was ordered, That the Letter should be opened.

Several Matters happened in Parliament, during this Time, about the Magazine at *Hull*; which we purposely omit till we come to the Catastrophe of that Business.

The Lords admit
the Bishops to
Bail.

Feb. 15. This Day the twelve Bishops appeared at the Bar of the House of Lords, and were all bailed; their Sureties answering, Body for Body, for their Appearance. Nothing else, of Moment, transacted in the House of Lords: But, in the Commons, a great many extraordinary Resolutions of a Committee, appointed to consider how evil Counsellors might be found out and removed from the King, were read, for the Concurrence of the whole House, *viz.*

Resolutions of
the Commons
concerning evil
Counsellors, &c.

Resolved, upon the Question, 'That all Privy-Counsellors and great Officers of State may be removed, for the present, excepting such as have Offices by Inheritance.'

Re-

Resolved, 'That his Majesty shall be humbly desired, that he will be pleased to receive only such, to be Counsellors and great Officers of State, as shall be recommended unto him by the humble Advice of both Houses of Parliament.'

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Resolved, 'That such of the said Counsellors and great Officers, whose Names shall be presented by both Houses, shall not have Access to the Persons or Courts of the King and Queen's Majesty.'

Resolved, 'That Mr. William Murray, of the Bed-Chamber, is thought fit to be removed from the Persons and Courts of the King and Queen, as one that is conceived to give dangerous-Counsel.'

In like Manner, Mr. *Endymion Porter*, the Lord *Digby*, Mr. *William Crofts*, and Sir *John Wintour* Secretary to the Queen, were excepted against; but when Mr. *Porter's* Exception, being a Member of that House, was put to the Question, it was carried against him, by only 110 against 107.

Feb. 16. The Ordinance concerning the Militia being, at last, compleated by the two Houses, it was this Day read and agreed to by the Lords; and ordered to be presented to the King by the Earl of *Stamford* and Lord *Grey*.

The Lords pass the Ordinance for the Militia;

Lord *Clarendon* observes upon this Occasion, 'That when this Bill had been, with much ado, accepted, and first read, there were few Men who imagined it would ever receive farther Countenance: But now there were few, who did not believe it to be a very necessary Provision for the Peace and Safety of the Kingdom; so great an Impression had the late Proceedings made upon them.'

A Message was brought from the Commons by Mr. *Holles*, importing, 'That they understood their Lordships had bailed the twelve Bishops impeach'd by them of High Treason; but that They had voted they ought not to be bailed; and therefore desired their Lordships to remand them back to the Place where they were; which the Lords did accordingly'

And re-commit the Bishops at the Commons Desire.

* *History of the Rebellion*, Vol. I. 8vo. p. 388.

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cordingly: But, at the same Time, sent to let the Commons know, that they had ordered the Trial to be on *Saturday* next, the 19th Instant; which was agreed to by the Commons.

Feb. 17. The King's Answer to the Parliament's Address of Thanks was reported to the Lords; which was only this, *Well, I pray you take Ireland Really, into your Care; and let your Thanks be expressed in that, and I shall thank you.*

A Message came, also, from the King, this Day, to the Lords, which was read in these Words:

The Queen's
Message con-
cerning Lord
Digby's Letter
to her.

His Majesty, at the earnest Desire of his Consort, the Queen, hath thought fit to acquaint the Parliament, That she understanding a Letter, addressed to herself, had been opened by them, and remains in their Custody, desired that a Transcript of it might be speedily sent her; and declares, That if the Parliament should desire to be further satisfied from her, of any Particulars mentioned in that Letter, or any Circumstances concerning the same, so far forth as may any ways relate unto or reflect upon her Person, or any whatsoever concerning her, she is ready and very willing to give them due Satisfaction therein. A Copy of this Message was dispatched to the Commons; but, this not contenting that House, they desired to see the Original Message, which was sent them.

The Commons prepared another Petition to the King, about their five Members, which they sent up to the Lords for their Concurrence, who joined with them in it, and ordered it to be presented by two of their House and a proportionable Number of the Commons. This Petition was as follows:

To the KING's Most Excellent Majesty,
The HUMBLE PETITION of the LORDS and
COMMONS now assembled in Parliament,

Sheweth,

Another Petition
relating to the
Accused Mem-
bers.

THAT whereas your Majesty, in Answer to their late Petition touching the Proceedings against the Lord Kimbolton, Mr. Holles, Sir Arthur Haselrigge,

figge; Mr. Pymme, Mr. Hampden, and Mr. Strode, An. 17. Car. I,
Members of the Parliament, was pleased to signify,
That as your Majesty once conceived that you had
Ground enough to accuse them, so now your Majesty
finds as good Cause, wholly, to defer any further
Prosecution of them: Notwithstanding which, they
remain still under that heavy Charge so imputed unto
them, to the exceeding Prejudice not only of themselves,
but also of the whole Parliament. And whereas, by
the express Laws and Statutes of this your Realm,
that is to say, by two Acts of Parliament, the one
made in the 37th, and the other in the 38th Year of
the Reign of your most noble Progenitor King Edw. III.
If any Person whatsoever make Suggestion to the King
himself of any Crime committed by another, the same
Person ought to be sent, with the Suggestion, before
the Chancellor or Keeper of the Great Seal, the Trea-
surer, and the Great Council, there to find Surety to
pursue his Suggestion; which if he cannot prove, he
is to be imprisoned till he hath satisfied the Party ac-
cused of his Damages and Slander, and made Fine
and Ransom to the King: The said Lords and Com-
mons, therefore, humbly beseech your Majesty, that,
not only in Point of Justice to the said Members in
their Particular, but for the Vindication of the
Rights and Privileges of Parliament, your Majesty
will be pleased to send the Person, or Persons, that
in this Case made the Suggestions or Informations to
your Majesty against the said Members of Parlia-
ment, together with the said Suggestions or Informa-
tions, to your Parliament; that so such Fruit of
the said good Laws may be had as was intended by
them, and the Rights and Privileges of Parliament
may be vindicated; which, of Right and Justice,
ought not to be delayed.

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Feb. 18. Some Propositions were made to both Houses, by some Adventurers, for the speedy Reduction of *Ireland*, by settling on them the Lands, there belonging to the Rebels, in case they succeeded. These were approved on by Parliament, and afterwards confirmed by the King.—But,

as

An. 17. Car. I. as these Propositions may be found at large in *Rushworth's* and *Husbands's Collections*, we think them unnecessary here. ^d

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Feb. 19. The Commons sent up Mr. *Pymme* with an Answer to the King's last Message about the Lord *Digby's* Letters, with the Copies of them, and desired their Lordships Concurrence in it: It was to this Effect: ^e

Most Gracious Sovereign,

The Answer of
both Houses to
the Queen's late
Message.

YOUR Majesty's most loyal and faithful Subjects, the Lords and Commons in Parliament, have received your Message of the 17th Instant, sent at the Instance of the Queen; and, upon Consideration thereof, we find, to our great Joy and Content, clear Expressions of Grace and Favour from both your Majesties, for which we return you our most humble Thanks; and have herewithall sent the Transcript of that Letter required by your Majesty, as, likewise, of two other Letters directed to Mr. Secretary *Nicholas* and Sir *Lewis Dives*; all which were brought to us, under one Cover, directed to Mr. Secretary, with Information that they were written by the Lord *Digby*; who being a Person fled from the Justice of Parliament, and one who had given many Evidences of his Disaffection to it, we conceived it necessary to open the two latter; and finding sundry Expressions in them full of Asperity and Malignity to the Parliament, we thought it very probable the like might be contained in the Letter to her Majesty; and that it would be dishonourable for her, and dangerous to the Kingdom, if it should not be opened; wherein we were no whit deceived, as your Majesty may well perceive by the Contents of it.

And altho' we cannot but be very sensible of the great Dishonour therein done to your Majesties, and

^d See *Rushworth*, Vol. IV. p. 556, &c. *Husbands*, 4th Edit. p. 34.

^e These Letters are in *Rushworth's Collections*, Vol. IV. p. 554.

* and the malicious Endeavours of fomenting and
 * increasing the Jealousies betwixt your Majesty and
 * your People; yet we are far from reflecting any
 * Thing on the Queen, or expecting any Satisfac-
 * tion from her Majesty, but impute all to the bold
 * and invenom'd Spirit of the Man. Only we most
 * earnestly beseech your Majesty to persuade the
 * Queen, That she will not vouchsafe any Coun-
 * tenance to, or Correspondence with, the Lord
 * Digby, or any other of the Fugitives or Traitors;
 * whose Offences, now, depend under the Exami-
 * nation and Judgment of Parliament; which, we
 * assure ourselves, will be very effectual to further
 * the Removal of all Jealousies and Discontents
 * betwixt your Majesty and your People, and the
 * Settling of the great Affairs of your Majesty and
 * the Kingdom in an assured State and Condition
 * of Honour, Safety, and Prosperity.'

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The Lords agreed to this Message, and ordered it to be presented to the King.

This being the Day, last appointed, for the Trial of the twelve Bishops, they were brought to the Bar of the House of Lords, where the Managers for the Commons attended. The Lord-Keeper told those Gentlemen they might now proceed against them; whereupon Mr. *Glynne* desir'd the Impeachment might be read; which being done, the Answer, or Plea, of the Bishops was also read; importing, That they were not guilty of the Treason charged against them. Then the Petition of the Bishops was read, on which the said Impeachment was grounded; after which Mr. *Glynne* proceeded to open the Charge; and first desir'd, That the Bishops might be ask'd, *Whether they did subscribe the Petition now read, and whether it was their Hand-Writing?* To this Question the Bishops refused to answer, because they alledged, 'That it was not charged in the Impeachment; neither were they bound to accuse themselves.' Another Question was then put to them, *Whether they consented not to the exhibiting and preferring of the Petition?*

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To this they said, 'That they would stand to their former Answer of *Not Guilty*.' Then Mr. *Glynne* desired, That the Bishops Answer which they made voluntarily, in the House, on the 30th of *December* last, might be read out of the *Journal Book*; which being done, all the Bishops, except the Archbishop of *York*, voluntarily confessed, That they subscribed the said Petition, and did own the Hand-Writing; but denied that they consented to the Preferring of it.

The Committee of the House of Commons then proceeded, and desir'd Leave to examine some Witnesses to prove the Falsity of the Bishops Petition, in styling it, *The Petition of all the Bishops and Prelates now called by his Majesty's Writ to attend in Parliament, and present about London and Westminster*. Likewise to prove, that several Bishops did never give their Consents to the said Petition, or ever absented themselves from Parliament, on any Occasion, or Reason of Fear or Menace; and that some of the Petitioners, viz. the Bishops of *Gloucester* and *Bath and Wells*, sat in the House of Lords the 28th of *December* last.

To prove this the Bishop of *Salisbury* was sworn, who said, 'That he was present about *London* and *Westminster*, at the Time when the other Bishops presented their Petition to the King and Parliament: That he was not absent from Parliament on any other Occasion than his Attendance on the Prince, and not out of any Force or Menace: Neither did he hear or know of that Petition, before it was brought into the House of Peers, or ever consented to it before it was preferr'd, or since.'

Next, the Bishop of *Winchester*, upon Oath, deposed, 'That, ever since the last Recess, he had been resident in and about *London* and *Westminster*, and attending the Parliament: That he was sent for to come to the Archbishop of *York* the Day after the great Tumult, at the Dean of *Westminster's* House, where were several other Bishops present; the said Archbishop then said, That they had been affronted, and shewed a Draught of a Petition, and

read

read it to them. Some speaking of Amendments An. 17. Car. 1.
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to it, the Archbishop said, *It was hastily done, and might be made better*, or Words to that Effect: That then the Archbishop left them, and, it being late, he went home himself. Afterwards he heard no more of this Matter, untill, being in the Parliament House, he saw a Petition there under the twelve Bishops Hands; and thinks that it was, in Effect, agreeable with the aforesaid Draught, altho', he said, there had been some Alterations made therein.

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He further said, That he never gave any Consent to the Delivery of the said Petition to the King, or to the Lords in Parliament. Also, that on the 29th of *December* last, he, being coming to the Parliament by Water, met the Earl of *Newport*, between the Landing-place at the Parliament Stairs and the Parliament House; who ask'd him whither he was going, and told him there were none of his Brethren, the Bishops, in the House; and thereupon he turned back. He likewise said, That either on that Day, or some other about that Time, he doth not certainly know, he was coming in a Boat towards the Shore, to land at the Parliament Stairs; and seeing a Company of 'Prentices, and others, standing on the Shore, crying, *No Bishops*, some called out to him, and advis'd him not to land there; and thereupon he caus'd the Boat where he was to turn off, and carry him to *Lambeth*, where he sent for his Coach to carry him home.

He further said, That he never absented himself from Parliament, at any other Times, except upon private Occasions.

Then the Bishop of *London* was sworn, who said, 'He had been resident in and about *London* and *Westminster* and at *Fulham*, ever since the last Recess of this Parliament: That, being at the latter Place the Day the twelve Bishops were committed to the *Tower*, he was told of it, and the Reason of their Commitments: That the next Day he came to the House of Lords, where he saw the Petition which the said Bishops had presented; but did never hear of it before: That the only Reason he came

not

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not to Parliament, was because of the Frost. *Lastly*, That he never did consent to the Delivery of the said Petition to his Majesty, nor to the Lords in Parliament.'

The Evidence for the Matter of Fact being given, Mr. *Glynne* desired, That the Bishops would make their several Answers to their Charge, if they had any Thing to say.

Hereupon, every Bishop for himself, made his Answer to the Matter of Fact; the Effect whereof was, 'That, by reason of the great Concourse of People and their Menaces, they were afraid to come to Parliament, which was the Cause of preferring the aforesaid Petition and Protestation, to preserve their Rights in Parliament; without any Intention to commit any treasonable Act, or destroy the Fundamental Laws and Being of Parliaments, as is charged in the Impeachment against them.

To this Mr. *Glynne* replied, and made some Observations on some of the Protestations in the Petition, and observed the Circumstances in the Body of the Petition, which he pressed by way of Aggravation. 'Tis said, adds he, in their Petition, they can find no Redress nor Protection, upon sundry Complaints made to both Houses; and they do protest against all Votes, Laws, Orders, Resolutions, and Determinations, as in themselves null and of none Effect, which in their Absence, since the 27th of *December* last, have already past; as likewise against all such as shall hereafter pass in this House, during the Time of their Absence from it: Which Words, he said, are an express Denial of the King's Authority, in giving the Royal Assent in Parliament, because the Bishops were not present.— That their Crime tended to the Subversion and Undermining the Foundation and Power of Parliament. It deprives this House of all Being, and makes its Body without Life or Motion, and to be less than a *Pie-Powder Court*, unless the Bishops were present. It overthrows the Fundamental Laws of the Kingdom for the very same Reason, and is a Derogation of the Honour and the Privileges of Par-

Parliament; charging both Houses with Denial to give them Redress upon Complaints made of the Particulars in the Petition; when, in Truth, no such Complaints were ever made to Parliament. That the Bishops, in their Petition, endeavoured to raise Sedition, and to fix an Impression in the Hearts of the People, 'That the Parliament, at that Time, had no Power to act, or proceed in any Business to relieve them in their Grievances, without the Bishops were present.' That when the Bishops Petition, &c. was preferred, there was a great Rebellion in *Ireland*; and the Remedy to subdue that Kingdom to Obedience was Aids and Supplies, as the Wisdom and Power of Parliament should provide, which was well known to the Bishops; therefore their Petition and Protestation was a direct Act to endeavour the Loss of that Kingdom.—*Lastly*, That at the same Time when the Petition was preferred, there was a Bill depending in this House to disable the Bishops from sitting and voting in Parliament.

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Mr. *Glynne* concluded with observing, 'That their evil Intentions might be discovered; *first*, By the many Falsities in their Petition and Protestation, which had been proved by Witnesses; *next*, By the Time when these were preferred, it being the second Day after a Vote had passed this House, 'That this Parliament is a free Parliament;' therefore it was an Endeavour to make an Assault upon that Vote and annul it. And these, added he, were the Streams that flowed from this Fountain.'

After Mr. *Glynne* had done speaking to Matter of Fact, the Bishops desired to be heard, by their Counsel, concerning the Matter of Law, in Point of Treason. But both Sides being commanded to withdraw, the Lords took this into Consideration; and ordered, That the Trial of the twelve Bishops should be further proceeded in on the 24th of this Instant *February*, and all Persons concerned then to attend.

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The King defers
giving an Answer
concerning the
Militia Bill ;

At which the
Parliament being
disgusted,

Feb. 21. The Earl of *Stamford* reported to the House the King's Answer to the last Message from Parliament about the Militia ; *That it being on a Business of the highest Importance, not only for the Kingdom in general, but also for his Majesty's Regal Authority, he thinks it most necessary to take some Time for Advise-ment thereupon ; and therefore he cannot promise a positive Answer untill he shall return ; which he intends to do as soon as he shall have put his dearest Consort, the Queen, and his dear Daughter, the Princess Mary, on board for their Transportation to Holland.*

This Answer being sent down to the Commons, it was by no Means relished in that House ; and the same Day they drew up another Petition to the King about this Matter ; which being sent to the Lords, it was by them agreed to, and ordered to be presented by the Earl of *Portland* and two Commoners. This Petition was as follows :

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LORDS and COMMONS, concerning their late Message.

May it please your Most Excellent Majesty,

They petition
the King again.

YOUR humble and loyal Subjects, the Lords and Commons, have, with a great deal of Grief, received your Majesty's Answer to their just and necessary Petition concerning the Militia of the Kingdom ; which your Majesty, by a gracious Message formerly sent unto them, was pleased to promise should be put into such Hands as your Parliament shall approve of, or recommend unto you ; the Extent of their Power, and the Time of their Continuance, being likewise declared : That being done, and the Persons by both Houses nominated, your Majesty, nevertheless, defers your Resolution herein to a longer and very uncertain Time ; which, the present Dangers and Distractions being so great and pressing, is as unsatisfactory and destructive as an absolute Denial :

There

Therefore, we once again beseech your Majesty to An. 17. Car. I.
take our Desire into your Royal Thoughts, and to give 1641.
us such an Answer as may raise in us a Confidence February.
that we shall not be exposed to the Practices of those
who thirst after the Ruin of this Kingdom, and the
kindling of that Combustion in England, which they
have, in so great a Measure, effected in Ireland;
from whence, as we are daily inform'd, they intend
and endeavour to invade us, with the Assistance of
the Papists here amongst us.

Nothing can prevent these Evils, nor enable us to
suppress the Rebellion in Ireland, and secure ourselves,
but the instant Granting of that our humble Petition;
which we hope your Majesty will not deny to those who
must, in the Discharge of their Duties, both to your
Majesty and the Commonwealth, represent unto your
Majesty what they find so absolutely necessary for
the Preservation of both; which the Laws both of
God and Man enjoin them to see put in Execution,
as several Counties, by their daily Petitions, have de-
sired of us, and, in some Places, begin already to do
it of themselves.

Another Answer from the King, about the Lord
Kimbolton, &c. was this Day also reported to the
House, and was much to the same Purport as the
former.

Feb. 22. The Commons sent up an Impeach-
ment of High Treason against George Lord Digby,
desiring their Lordships to prefix some short Time
for him to come and appear, before which the
Commons would be ready to come up to make
good their Charge against him. Upon this the
Lords ordered out a Proclamation, thro' England
and Wales, for the Lord Digby to appear and an-
swer to this Charge, within fifteen Days after Date,
on Pain of Conviction.

This Day the Attorney-General delivered in his
Answer to the Charge of the Commons against him,
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An. 17. Car. I. which was read before a Committee of that House,
1641. in these Words :

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The Attorney-
General's An-
swer to the Im-
peachment a-
gainst him.

THE said Defendant, saying to himself now, and at all Times hereafter, all just Exception to the said Impeachment, as the same is charged, for Answer saith, and acknowledgeth, That he is, and the third Day of *January* last past was, his Majesty's Attorney-General sworn : But whereas he is charged with the malicious, false, and scandalous advising and contriving the Articles in the said Impeachment mentioned, he saith, That he was and is so far from any Malice, Falshood or Scandal, in the advising and contriving of the same, or any of them, that he did not at all advise or contrive the said Articles, or any of them, nor ever knew or heard of them, or any of them, untill he received them from his Majesty's Hands, the said third Day of *January* last past, ready ingross'd in Paper.

• And as to that Part of the said Impeachment, which chargeth this Defendant with the exhibiting of the said Articles to this Honourable House, he saith, That, upon the said third Day of *January*, he repaired to his Majesty by his Command, who then delivered unto this Defendant a Paper containing the Articles in the said Impeachment mentioned, and did command him, in his Majesty's Name, to acquaint this Honourable House that divers great and treasonable Designs and Practices, against his Majesty and the State, were come to his Majesty's Knowledge ; for which his Majesty commanded this Defendant, in his Majesty's Name, to accuse six Members, in the said Paper mentioned, of High Treason, and other High Misdemeanors, by delivering that Paper to your Lordships, and to desire to have it read : And further to desire, in his Majesty's Name, that a select Committee of Lords might be appointed to take the Examinations of such Witnesses as his Majesty should produce, as formerly had been done in Cases of like Nature, according

tording to the Justice of this House; and that Committee to be under a Command of Secresy, as formerly; and further, in his Majesty's Name, to ask Liberty to add and alter, if there should be Cause, according to Justice: And likewise that their Lordships would take Care of the securing of the said Persons, as, in Justice, there should be Cause.

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That, according to his Majesty's said Command, this Defendant did come to this Honourable House, the said third Day of *January*; and then, after the Rt. Hon. *Edward Lord Littleton*, Lord-Keeper of the Great Seal of *England*, had declared to this Honourable House, that he was commanded by his Majesty to let your Lordships know, that his Majesty had given this Defendant Command to acquaint your Lordships with some Things from his Majesty; this Defendant thereupon, the said third Day of *January*, in this Honourable House, before your Lordships then and there sitting in Parliament, in Obedience to his Majesty's said Commands, as a Message from him, did declare the aforesaid Commands of his Majesty; by acquainting your Lordships, that the King had commanded him to tell your Lordships, that divers great and treasonable Designs and Practices, against him and the State, had come to his Majesty's Knowledge, for which the King had given his Command to accuse six Persons of High Treason, and other High Misdemeanors, by delivering these Articles: And that he was commanded to desire your Lordships to have them read; which, by your Lordships Command, were accordingly read by the Clerk: And then further declared, that he was also commanded by his Majesty, to desire, on his Majesty's Behalf, that a select Committee might be appointed to take the Examination of such Witnesses as the King would produce, as formerly had been done in Cases of like Nature, according to the Justice of this House; and this Committee to be under a Command of Secresy, as formerly: And that he was commanded to ask Liberty to add according to Justice; and

U 2

also

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also to desire that your Lordships would take Care for the securing of those Persons, as, in Justice, there should be Cause.

‘ And saith, He did not conceive there could be any Offence in what was so done by him, in this Honourable House, in Obedience to those his Majesty’s Commands; being wholly thereby left to your Lordships Wisdoms and Judgments, being his Majesty’s great Council and greatest Court for Advice and Justice.

‘ And as touching the false, scandalous, and malicious, advising, contriving, or publishing the said Articles, or any other Articles against the said Persons in the said Papers mentioned, or any of them; or any Breach of this Defendant’s Oath of Attorney General; and to the false, unlawful, and malicious exhibiting the said Articles into this Honourable House, or causing any Entry thereof to be made; and the Intent and Endeavour falsely, unlawfully, and maliciously to deprive this Honourable House, or the Honourable House of Commons, or any of the Members of the said Houses, or to take away any of their Lives, Estates, or good Names; and every Offence and Misdemeanor charged by the said Impeachment upon this Defendant, he saith he is not guilty of them, or any of them, in such Manner and Form as by the said Impeachment is charged.

‘ All which Matters and Things this Defendant is, and will be, ready to aver and prove in such Sort, as to this Honourable House of Parliament shall seem meet.

THOMAS GARDINER,
JOHN FOUNTAYNE,
ARTHUR TREVOR.

The Earl of *Monmouth* was again Bail for Mr. Attorney, in 5000*l.* Bond, for his Appearance to abide the Judgment of the Lords in Parliament, in this Cause, and so the Matter was dismissed for that Time.—Both Houses adjourned to the 24th.

Feb.

Feb. 23. This Day the Queen and Princess of Orange embarked for Holland⁹: On the 25th the King returned to Canterbury, and the next Day to Greenwich; from whence, on the 28th, he removed to Theobalds on his Way to York.—But to return to the Proceedings of Parliament.

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The Queen and the Princess of Orange go to Holland.

Feb. 24. This being the Day for the further Proceedings against the twelve Bishops, the House of Lords sent down Word to the Commons, That they had appointed that Afternoon, at Three of the Clock, to hear their Counsel, in Point of Law, concerning the Treason alledged against them. Soon after the Commons return'd for Answer, That they had resolv'd to proceed against the said Bishops, which were impeached by them for High Treason, by Bill; and were proceeding in it accordingly.

Further Proceedings against the impeached Bishops.

Hereupon the Bishops were called in, and told this Matter; on which they said, They had lain long under a Charge of Treason, and had many Days assigned them to be heard; and since the Matter of Fact had been heard, they desired the Justice of this House that they might be heard by their Counsel, in Point of Law; and either be acquitted, or Judgment given against them upon the Charge.

The Bishops being ordered to withdraw, the Lords took their Desires into Consideration, and it was ordered, 'That, before the Matter against the twelve Bishops shall be concluded by any Proceeding in that House, they shall be heard by themselves and their Counsel, as their Cause shall require.'

U 3

quire.'

⁹ *Whitlocke* says, 'That the Queen carried with her all her own and the King's Jewels, not leaving behind the Jewels of the Crown; that with them, and the Assistance of the Prince of Orange, a sufficient Party might be raised for the King.' *Memorials*, p. 52.

But Lord *Clarendon* alledges, 'That both their Majesties were reduced to so great Want, that the Queen was compelled to coin or sell her Chamber Plate for the Supply of her most necessary Occasions; there being no Money in the *Exchequer*, or in the Power of the Ministers of the Revenue; the Officers of the Customs, out of which the Allowance for the weekly Support of their Majesties Household had been made, being enjoin'd by the House of Commons not to issue out any Money, without their particular Consent and Approbation.'

History of the Rebellion, Vol. I. p. 419.

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quire.' The Bishops were called in again and told of this Order, which was all the Satisfaction they had at that Time.

The Committee of the Commons, appointed to manage the Evidence against the twelve Bishops, had been ordered to draw a Bill, *For the forfeiting of the Issues and Profits of their Estates, Temporal and Ecclesiastical, and the disposing thereof as the Parliament should think fit; for the Imprisonment of their Persons during their Lives; and for the Disposal of all Livings that may fall within their Gift.*

The same Day the Speaker acquainted the House, that he had, the Night before, received a Message from the King, dated *February 22, at Dover*, inclosed in a Letter directed to himself, which his Majesty requir'd him to read in the House, and was as follows:

The King's Reply to the Commons Answer concerning Mr. Pymme's Speech.

AS his Majesty hath expressed a great Desire to give his House of Commons all possible Satisfaction to all their just Requests, and a Readiness to rectify or retract any Thing done by himself, which might seem to trench upon their Privileges by any Mistake of his; so he doubts not they will be ready, upon all Occasions, to manifest an equal Tendernefs and Regard of his Majesty's Honour and Reputation with his good Subjects; and therefore his Majesty expects they should review his Message of the seventh of this Month, concerning a Passage in Mr. Pymme's Speech, and their Answer sent his Majesty by some of their Members on the tenth of the same, with which his Majesty can by no Means rest satisfied.

His Majesty's Exception in that Message was, That it was affirmed in that Speech, That since the Stop upon the Ports against all Irish Papists, by both Houses, many of the chief Commanders now in the Head of the Rebels, have been suffered to pass by his Majesty's immediate Warrant. To this the Answer is, That the Speech, mentioned in that Message to be deliver'd by Mr. Pymme, was printed by their Order, and that what was therein delivered

was

was agreeable to the Sense of the House; that they have received divers Advertisements concerning several Persons, *Irish* Papists and others, who have obtained his Majesty's immediate Warrant for their passing into *Ireland*, since the Order of Restraint of both Houses; some of which, they have been inform'd, since their coming into *Ireland*, have join'd with the Rebels, and been Commanders amongst them:

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His Majesty is most assured no such Persons have passed by his Warrant or Privity; and therefore desires his House of Commons to consider, whether such a general Information and Advertisement (in which there is not so much as the Name of any particular Person mentioned) be Ground enough for such a direct and positive Affirmation, as is made in that Speech; which, in respect of the Place and Person, and being now acknowledged to be agreeable to the Sense of the House, is of that Authority that his Majesty may suffer in the Affections of many of his good Subjects; and fall under a possible Construction (considering the many scandalous Pamphlets to such Purpose) of not being sensible enough of that Rebellion, so horrid and odious to all Christians; by which, in this Distraction, such Danger might possibly ensue to his Majesty's Person and Estate, as he is well assured his House of Commons will use their utmost Endeavours to prevent. And, therefore, his Majesty thinks it very necessary, and expects that they name the Persons, who, by his Majesty's Licence, have passed into Ireland, and are now there in the Head of the Rebels; or that, if, upon their Re-examination, they do not find particular Evidence to prove that Assertion, (as his Majesty is confident they never can) as this Affirmation, which may reflect upon his Majesty, is very public, so they will publish such a Declaration, whereby that Mistake may be discovered; his Majesty being the more tender in that Particular which both Reference to Ireland, as being most assured that he hath been, and is, from his Soul, resolved to discharge his Duty, which God will require at his Hands; for the Relief of his poor Protestant Subjects there, and the utter rooting out that Rebellion; so that

Ser.

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For the Persons nam'd in the Answer, his Majesty saith, That Col. Butler, and the Son of the Lord Netterville, obtained his Warrants for their Passage into Ireland, at his Majesty's being in Scotland, which was long, as his Majesty thinks, before the Order of both Houses: His Majesty knowing the former of them to be one who hath always made Professions to his Service, and to be Uncle to the Earl of Ormond, of whose Affection to the Protestant Religion, and his Majesty's Service, his Majesty hath great Cause to be assured; and the latter being a Person of whom, at that Time, there was no Suspicion to his Majesty's Knowledge: For the others, it may be they have obtained Warrants from his Majesty since the said Order; but his Majesty assures the Parliament, that he had no Intimation of such an Order, till after the Stay made of Sir George Hamilton, who was the last that had any Licence from his Majesty to pass for Ireland.

And his Majesty having, since his Answer from the House of Commons, used all possible Means, by the examining his own Memory, and the Notes of his Secretaries, to find what Warrants have been granted by him, and to what Persons, doth not find that he hath granted any to any Irish, but those who are named by the House of Commons; and, in December last, to the Earl of St. Albans and two of his Servants, and to one Walter Terrel, a poor Man; they being such as his Majesty is assured are not with the Rebels, and much less chief Commanders over them. And tho' it may be the Persons named by the House of Commons are Papists, yet his Majesty, at that Time, thought it not fit, in respect of their Alliance in that Kingdom to such Persons of great Power, of whom his Majesty hoped well, to discover any Suspicion of them; the Lords Justices having declared by their Letters, which Letters were not disapproved of by the Parliament here, that they were so far from owning a public Jealousy of all Papists there, that they had thought fit to put Arms into the Hands of divers Noblemen of the Pale
of

of that Religion, who made Profession to his Majesty's An. 17. Car. I.
Service, and desired the same: And since so great a 1641.
Trust reposed in some of the Lords of that Religion
was not disapproved by the Parliament here, his
Majesty could not imagine it unsafe or unfit for him
to give Licences to some few to pass into that King-
dom, who, though Papists, professed due Allegiance
and Loyalty to his Majesty.

And therefore, unless the first Affirmation of the
House of Commons can be made good by some Parti-
culars, his Majesty doth not know that his Ministers
have failed in their Diligence and Faithfulness to
his Majesty in this Point; or that his Honour hath
suffered so much by any Act of his own, as that it
needs be vindicated for the Time past by any other
Way than such a Declaration, which he expects
from this House, as in Duty and Justice due to his
Majesty.

Feb. 25. The Earl of Berkshire signified to the
Lords, That he had receiv'd an extraordinary Letter
from the King, which was read in these Words:

CHARLES R.

Right Trusty, &c. we greet you well.

AS we have been graciously pleased, at your Re-quest had for your private Occasions, by our former Letter, to dispense with your present Attendance in Parliament; so now, as there are likely to be treated there Affairs much importing the Public Peace and Good of our Kingdom, we have thought good, by these our Letters, to desire you to repair forthwith to London, and not to fail to give your personal Attendance in Parliament: For, as we know your own good Affections to the Public will incline you to be careful to prefer that before your own private Ease, so we assure you we shall take it as a Testimony of your good Affections to us, on whom the Care of the Parliament doth immediately depend.

Given at our Court at Dover, Feb. 23, 1641.

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Which gives Of-
fence to the
Lords.

Some more Lords affirming that they had received Letters from the King to the same Effect, the House was put into a Committee, to consider what ill Counsels had been given to the King; who had gone about to extend the King's Prerogative beyond its antient Bounds; who were the Authors and Procurers of Monopolies; and likewise who gave Counsel for the Breach of the Pacification with the Scots, which had cost the Kingdom five Millions; besides many other Mischiefs and Inconveniences that happened thereupon. But nothing being resolved on, at this Time, the House was resumed; and thus this Matter ended, which seems to have put the Lords in some Disorder.

Feb. 26. The Commons, at a Conference this Day, exhibited the following Articles against the Lord *Digby*, which were sent up by Sir *John Evelyn*.

Articles of Im-
peachment a-
gainst Lord *Dig-*
by.

I. ' That the said Lord *Digby*, in or about the Month of *January*, 1641, maliciously and traiterously endeavoured to persuade the King to levy Forces against his liege Subjects within this Kingdom; and that the said Lord *Digby* actually did, in or about the said Month, levy Forces within this Realm, to the Terror of his Majesty's Subjects.

II. ' That the said Lord *Digby*, in or about the same Month, and at other Times, falsely, maliciously, and traiterously laboured to raise a Jealousy and Dissention between the King and his People, and to possess his Majesty that he could not live with Safety of his Person amongst them; and did thereupon, traiterously, endeavour to persuade his Majesty to betake himself to some Place of Strength for his Defence.

III. ' That the said Lord *Digby*, about the Time aforementioned, did maliciously and traiterously endeavour to stir up Jealousies and Dissentions between the King and Parliament; and, to that End and Purpose, did wickedly advise the framing of certain false and scandalous Articles of High Treason against the Lord *Kimbolton*, *Denzil Halles*,

& *Hollis*, Esq; &c. and did persuade his Majesty, An. 17. Car. I,
 & accompanied with divers Soldiers and others in
 & warlike Manner, to come in Person into the House
 & of Commons, and demand the said Members of
 & the said House then sitting; to the apparent Dan-
 & ger of his Majesty's Person, and in high Viola-
 & tion of the Privileges and Being of Parliaments.
 & ' All which Matters the said *George Lord Digby*
 & did traiterously, &c.'

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In support of this Accusation, Sir *John Evelyn* spoke to this Effect:

' That this was a heavy Accusation, and such a *Sir John Evelyn's*
 one as needed rather Pity than Aggravation: That *Speech thereupon*
 a Noble Gentleman, as he was, should fall into so
 foul a Crime as to study the Destruction of his
 Country.

' In the House of Commons they observed him
 to appear much for his Country, till he had dived
 into the Secrets of that House; soon after which
 he fell into ill Discourses and bitter Railings against
 that House; as in a Speech of his, touching the
 Earl of *Strafford*, wherein he involved the Com-
 mons, your Lordships, and the King, in wilful
 Murder'. Being questioned for it, he fled from that
 House and came to yours, where we found him in
 the same Way there. That the Lord *Digby* had
 said, ' This was no free Parliament; ' and not long
 after followed that high Breach of Parliament ', in
 which Time he was observed to be a diligent At-
 tendant on the Courts of the King and Queen.
 After that Plot was discovered, the King retired to
Hampton-Court, and there we found him tampering
 with the Soldiers, saying, ' The King went out of
 ' Town only to save them from being trampled in
 ' the Dirt, ' and by offering Money to the Soldiers
 for doing the worst Service that ever was done to
 the King. *Scelere legendum Scelus.*

' After

* Alluding to his Lordship's Speech for Redress of *Grievances*,
 for the *Triennial Bill*; and in favour of the Earl of *Strafford*, &c.
 in our 9th Volume.

* The *Affair* of the King's coming to demand the Five Mem-
 bers, &c. in this Volume.

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‘ After this he endeavoured to ‘list Men, getting Names, offering himself and all he could for that Purpose; the Particulars whereof they will make appear to your Lordships by Proof.

‘ That Nobleness and Honour that hath moved your Lordships to stand so long in the Gap, for the Good of the State, will easily suggest what he deserveth that would destroy it. He that will not omit to sow Jealousies between the King and People, deserveth ill; but he that will foster and nourish them, the State will spue him out, they cannot digest him. He concluded with saying, They would, by Proof, make good the Articles now exhibited to their Lordships.’

Feb. 28. The King, on his Return from seeing the Queen embarked for *Holland*, having sent to command the Prince of *Wales* to meet him at *Greenwich* on the 26th; his Governor, the Marquis of *Hertford*, being then sick, could not attend him thither, but sent to acquaint the two Houses with it: Upon which they dispatched the following Message to the King; and the Answer to it was read in the House of Lords on this Day. The Message was as follows:

A Message to the King about removing the Prince.

THE Lords and Commons, in Parliament, humbly desire his Majesty, that the Prince may not be removed from *Hampton-Court*; and that for these ensuing Reasons:

1st, ‘ They conceive that his Majesty had resolved, that the Prince should stay at *Hampton-Court* untill his Majesty’s Return.

2^{dly}, ‘ That the Lord Marquis of *Hertford*, appointed by his Majesty to be Governor of the Prince, and approved of and commanded by the Parliament to give his personal Attendance upon his Highness, is now so indisposed in his Health, that he is not able to attend the Prince in any other Place.

3^{dly}, ‘ That the Prince’s Removal, at this Time, from *Hampton-Court*, may be a Cause to promote
‘ *Jealousies*

‘ Jealousies and Fears in the Hearts of his Majesty’s good Subjects, which they conceive very necessary to avoid.’

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HIS MAJESTY’S ANSWER.

1st, **T**HAT his Majesty intended, at his Remove from Hampton-Court with his Royal Consort, the Queen, towards Dover, that the Prince his Son should stay at Hampton-Court till his Majesty returned to some of his Houses; and thereupon, as soon as his Majesty resolved upon a certain Day to be at Greenwich, he commanded that his Son should attend him there, which was no way contrary to his former Intention.

His Majesty’s
Answer to the
said Message,

2dly, That his Majesty was very sorry to hear of the Indisposition of the Marquis of Hertford, being the Person upon whom he principally relies for the Care of his dearest Son: But if that Indisposition should have lasted, his Majesty could no way think fit that his Want of Health should have hindered the Prince from waiting upon his Majesty according to his Command; and therefore would have been much offended if the Prince had failed of meeting his Majesty, according to his Appointment.

3dly, To the Fears and Jealousies, his Majesty knows not what Answer to give, not being able to imagine from what Grounds they proceed; but if any Information hath been given to that Purpose, his Majesty much desires that the same may be examined to the Bottom; and then he hopes that their Fears and Jealousies will be hereafter continued only with Reference to his Majesty’s Rights and Honour.

The same Day the Lord-Keeper delivered the King’s Answer, sent to him, to the Lords, concerning the Ordinance about the Militia, which was read in these Words:

HIS Majesty having, with his best Care and Understanding, perused and considered that which was sent him from both Houses, for the ordering of the Militia, presented unto him to be made an

And his final
Answer as to
the Militia.

Or-

Ans. 17. Car. I. *Ordinance of Parliament, by the giving of his Royal Assent; as he can by no Means do it, for the Reasons hereafter mentioned, so he doth not conceive himself obliged, by any Promise made in his Answer, of the second of this Month, to the Petition of both Houses, to yield to the same.*

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His Majesty finds great Cause to except against the Preface or Introduction to that Order, which avoweth a most dangerous and desperate Design upon the House of Commons of late, supposed to be an Effect of the bloody Counsels of Papists, and other ill-affected Persons; by which many may understand (looking upon other printed Papers to that Purpose) his coming in Person to the House of Commons on the 4th Day of January, which begot so unhappy a Misunderstanding between the King and his People: And for that, tho' he believes it, upon the Information since given him, to be an apparent Breach of their Privilege; and hath offered, [and is ready] to repair the same for the future, by any Act that shall be desired of his Majesty; yet he must declare and require to be believed, that he had no other Design upon that House, or any Member of it, than to require, as he did, the Persons of those five Gentlemen his Majesty had the Day before accused of High Treason; and to declare that he meant to proceed against them legally and speedily, upon which he believed that House would have delivered them up: And his Majesty calls the Almighty God to witness, that he was so far from any Intention or Thought of Force or Violence, although that House had not delivered them according to his Demand, or in any Case whatsoever, that he gave those his Servants, and others, who then waited on his Majesty, express Charge and Command that they should give no Offence to any Man; nay, if they received any Provocation or Injury, that they should bear it without Return. And his Majesty neither saw or knew that any Person of his Train had any other Weapons, but his Pensioners and Guards those with which they usually attend his Person [to Parliament,] and the other Gentlemen Swords: And therefore his Majesty doubts not but his Parliament will be

se

so regardful of his Honour herein, that he shall not undergo any Imputation by the rash or indiscreet Expressions of any young Men then in his Train; or by any desperate Words uttered by others, who might mingle with them, without his Consent or Approbation.

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For the Persons nominated to be Lieutenants of the several Counties of England and Wales, his Majesty is contented to allow that Recommendation; only concerning the City of London, and such other Corporations as, by antient Charters, have granted unto them the Power of the Militia, his Majesty doth not conceive that it can stand with Justice or Policy to alter their Government in that Particular. And his Majesty is willing, forthwith, to grant every of them (that of London and those other Corporations excepted) such Commissions as he hath done, this Parliament, to some Lord-Lieutenants, by your Advice: But if that Power be not thought enough, but that more shall be thought fit to be granted by these Persons named, than by the Law is in the Crown itself; his Majesty holds it reasonable that the same be, by some Law, first vested in him, with Power to transfer it to these Persons, which he will willingly do; and whatever that Power shall be, to avoid all future Doubts and Questions, his Majesty desires it may be digested into an Act of Parliament rather than an Ordinance; so that all his loving Subjects may thereby particularly know, both what they are to do, and what they are to suffer for their Neglect, that there be not the least Latitude for his good Subjects to suffer under any arbitrary Power whatsoever.

As to the Time desired for the Continuance of the Powers to be granted, his Majesty giveth this Answer, That he cannot consent to divest himself of the just Power which God and the Laws of this Kingdom have placed in him for the Defence of his People, and to put it into the Hands of others for any indefinite Time. And since the Ground of this Request, from his Parliament, was to secure their present Fears and Jealousies, that they might, with Safety, apply themselves to the Matter of his Message of the 20th of January, his Majesty hopeth that his Grace to them since

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since that Time, in yielding to so many of their Desires, and in agreeing to the Persons now recommended to him by his Parliament, and the Power before expressed to be placed in them, will wholly dispel those Fears and Jealousies; and assureth them, that as his Majesty hath now applied this unusual Remedy to their Doubts, so, if there shall be Cause, he will continue the same to such Time as shall be agreeable to the same Care he now expresseth towards them.

And, in this Answer, his Majesty is so far from receding from any Thing he promised, or intended to grant, in his Answer to the former Petition, that his Majesty hath hereby consented to all which was then asked of him by that Petition concerning the Militia of the Kingdom, (except that of London and those other Corporations) which was to put the same into the Hands of such Persons as should be recommended unto him by both Houses of Parliament: And his Majesty doubts not but the Parliament, upon well weighing the Particulars of this his Answer, will find the same more satisfactory to their Ends, and the Peace and Welfare of all his good Subjects, than the Way proposed by this intended Ordinance; to which, for these Reasons, his Majesty cannot consent.

And whereas his Majesty observes, by the Petition of both Houses, presented unto him by the Earl of Portland, Sir Thomas Hele, and Sir William Savile, That, in some Places, some Persons begin already to intermeddle of themselves with the Militia; his Majesty expecteth that his Parliament should examine the Particulars thereof, it being a Matter of high Concernment and very great Consequence.

And his Majesty requireth, that if it shall appear to his Parliament, that any Persons whatsoever have presumed to command the Militia, without lawful Authority, they may be proceeded against according to Law.

The Lords, taking this Answer of the King's to be a Matter of the greatest Concernment, sent it down immediately to the Commons; and withall ordered, That they would adjourn 'till Two that
Af-

Afternoon, to wait the Resolutions of that House upon it. Accordingly a Message was sent from the Commons to desire a Conference, the Report of which was made to the Lords to this Effect:

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‘ Some Votes of the House of Commons were read, upon the King’s last Answer, viz.

‘ *Resolved*, upon the Question, by the House of Commons, That this Answer from his Majesty is a direct Denial to the Desires of both Houses of Parliament concerning the Militia.

Which both Houses vote to be a direct Denial.

‘ The Lords agreed with the House of Commons in this Vote.

‘ *Resolved*, &c. That those who advised his Majesty to give this Answer, are Enemies to the State, and mischievous Projectors against the Safety of the King and Peace of this Kingdom.

‘ The Lords agreed with them also in this Vote.

‘ *Resolved*, &c. That this Denial is of that dangerous Consequence, that if his Majesty should persist in it, it would hazard the Peace and Safety of all his Kingdoms; unless some speedy Remedy be applied, by the Wisdom and Authority of both Houses of Parliament.

‘ Agreed to by the Lords.

‘ *Resolved*, &c. That such Parts of this Kingdom, as have put themselves into a Posture of Defence against the common Danger, have done nothing but what is justifiable, and is approved of by this House.

‘ Agreed to by the Lords.

‘ *Resolved*, &c. That if his Majesty shall remove into any remote Parts from his Parliament, it will be a great Hazard to the Kingdom, and a great Prejudice to the Proceedings of Parliament.

‘ Agreed to by the Lords.

‘ *Resolved*, &c. That this House holds it necessary that his Majesty should be desired, that the Prince may come to St. James’s, or to some other convenient Place near about London, and there to continue.

‘ Agreed to by the Lords.

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‘ *Resolved, &c.* That the Lords be desired to join with this House, in an humble Address unto his Majesty, that he will be pleased to reside near his Parliament, that both Houses may have a Convenience of Access unto him on all Occasions.

‘ Agreed to by the Lords.

‘ *Resolved, &c.* That the Lords be moved to join with them, in a full Course of Examination, to find out the Persons who gave his Majesty this Advice, that they may be removed from him, and brought to condign Punishment.

‘ Agreed to by the Lords.

‘ *Resolved, &c.* That no Charter can be granted by the King, to create a Power in any Corporation over the Militia of that Place, without Consent of Parliament.

‘ Agreed to by the Lords.

‘ *Resolved, &c.* That the Lords shall be desired to appoint a select Committee, that they may join with another of a proportionable Number of the House of Commons, to prepare what is fit further to be done upon these Votes, or upon any Thing else that may arise upon these Answers of the King’s, concerning the Militia or the Prince ^r.

‘ The Lords agreed with the House of Commons in this Vote also; and appointed a select Committee of their House accordingly.’

March 1. This Day the said Committee brought in a Draught of a Message to the King, on the foregoing Answer concerning the Militia; which was read in hæc Verba:

Most Gracious Sovereign,

Their Declaration that they will dispose of the Militia without the King.

‘ **Y**our Majesty’s most loyal and obedient Subjects, the Lords and Commons in Parliament, do find their just Apprehensions of Sor-
row and Fear, in respect of the public Dangers
‘ and Miseries like to fall upon your Majesty and
‘ the

^r By the *Commons Journals* it seems as if they were still jealous that the Prince of Wales would be transported out of the Kingdom.

the Kingdom, to be much encreased, upon the Receipt of your unexpected Denial of their most humble and necessary Petition, concerning the Militia of the Kingdom; especially grieving that wicked and mischievous Counsellors should still have that Power with your Majesty, as, in this Time of imminent and approaching Ruin, rather to incline your Resolutions to that which is apt to further the Accomplishment of the Desires of the most malignant Enemies of God's true Religion, and of the Peace and Safety of yourself and your Kingdom, than to the dutiful and faithful Counsel of your Parliament.

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Wherefore they are enforced, in all Humility, to protest, That if your Majesty shall persist in that Denial the Dangers and Distempers of the Kingdom are such as will endure no longer Delay: But unless you shall be graciously pleased to assure them, by these Messengers, that you will speedily apply your Royal Assent to the Satisfaction of their former Desires, they shall be enforced, for the Safety of your Majesty and your Kingdoms, to dispose of the Militia by the Authority of both Houses, in such Manner as hath been propounded to your Majesty; and they resolve to do it accordingly.

They likewise most humbly beseech your Majesty to believe, That the dangerous and desperate Design upon the House of Commons, mentioned in their Preamble, was not inserted with any Intention to cast the least Aspersions upon your Majesty; but therein they reflected upon that malignant Party, of whose bloody and malicious Practices they have had so often Experience, and from which they can never be secure, unless your Majesty will be pleased to put from you those wicked and unfaithful Counsellors, who interpose their own corrupt and malicious Designs betwixt your Majesty's Goodness and Wisdom, and the Prosperity and Contentment of yourself and of your People: And that for the Dispatch of the great Affairs of the Kingdom, the Safety of your Person,

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son, the Protection and Comfort of your Subjects, you will be pleased to continue your Abode near to *London* and the Parliament, and not to withdraw yourself to any other remoter Parts; which, if your Majesty should do, must needs be a Cause of great Danger and Distraction.

That your Majesty will likewise be graciously pleased to continue the Prince's Highness in these Parts, at *St. James's* or any other of your Houses near *London*; whereby the Designs which the Enemies of the Religion and Peace of this Kingdom may have upon his Person, and the Jealousies and Fears of your People may be prevented.

And they beseech your Majesty to be informed by them, That, by the Laws of the Kingdom, the Power of raising, ordering, and disposing the Militia, within any City, Town, or other Place, cannot be granted to any Corporation by Charter, or otherwise, without the Authority and Consent of Parliament; and that those Parts of the Kingdom, which have put themselves in a Posture of Defence against the common Danger, have therein done nothing, but according to the Declaration and Direction of both Houses, and what is justifiable by all the Laws of this Kingdom.

All which their most humble Counsel and Desires they pray your Majesty to accept, as the Effect of that Duty and Allegiance which they owe unto you, and which will not suffer them to admit of any Thoughts, Intentions, or Endeavours, but such as are necessary and advantageous for your Majesty's Greatness and Honour, and the Safety and Prosperity of the Kingdom, according to that Trust and Power which the Laws have reposed in them.

March 2. The aforesaid Message having been presented to the King, at *Theobalds*, his Majesty return'd the following Answer :

The King's Reply, resolving to abide by his last Answer.

I Am so much amazed at this Message, that I know not what to answer. You speak of Jealousies and Fears: Lay your Hands to your Hearts, and ask yourselves,

selves, whether I may not likewise be disturbed with Fears and Jealousies: And if so, I assure you this Message hath nothing lessened them.

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For the Militia; I thought so much of it before I sent that Answer, and am so much assured that the Answer is agreeable to what, in Justice or Reason, you can ask, or I in Honour grant, that I shall not alter it in any Point.

For my Residence near you; I wish it might be so safe and honourable, that I had no Cause to absent myself from Whitehall: Ask yourselves whether I have not.

For my Son; I shall take that Care of him, which shall justify me to God as a Father, and to my Dominions as a King.

To conclude: I assure you, upon my Honour, that I have no Thought but of Peace and Justice to my People, which I shall, by all fair Means, seek to preserve and maintain; relying upon the Goodness and Providence of God, for the Preservation of myself and Rights.

This Answer being made known to both Houses, the Commons sent up to desire a Conference about it; the Report of which was, That the Commons had considered much of it, and did still think it fit that their Message to the King should be insisted on. They offer'd, also, the following Resolutions which their House had made, and desired their Lordships Concurrence:

'Resolved, by the House of Commons, on the Question, That the Kingdom be forthwith put into a Posture of Defence, by Authority of Parliament, in such a Way as is already agreed on by both Houses.'

'Resolved, &c. That a Committee be appointed to prepare a Declaration upon these two Heads:

1st, 'To lay down the just Causes of the Fears and Jealousies given to this House, and to clear this House from any Jealousies conceived against it.

2dly, 'To consider of all Matters that may arise on this Message, and to declare their Opinions what is fit to be done upon it.'

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Protest thereon
in the House of
Lords.

The Lords taking these Resolutions into Consideration, after a serious Debate, agreed to the first; whereupon the following Peers entered their Dissent against it:

<i>Earl of LINDSEY, Lord</i>	<i>Earl of PORTLAND.</i>
<i>Great Chamberlain.</i>	<i>Lord MOWBRAY.</i>
<i>Earl of BATH.</i>	<i>Lord WILLOUGHBY de</i>
<i>Earl of SOUTHAMPTON.</i>	<i>Eresby.</i>
<i>Earl of NORTHAMP-</i>	<i>Lord GREY.</i>
<i>TON.</i>	<i>Lord DUNSMORE.</i>
<i>Earl of MONMOUTH.</i>	<i>Lord SEYMOUR.</i>
<i>Earl of CLEVELAND.</i>	<i>Lord CAPEL.</i>

The second Resolution was, wholly, agreed to; after which both Houses, by Consent, adjourned to the 4th of this Month, to give Time for their joint Committee to meet at *Merchant-Taylors-Hall*, and prepare Matters accordingly.

March 4. A Bill had been sent up by the House of Commons, intituled, *An Act for the clearing and vindicating of the Lord Kimbolton, and the five Members, from a late feigned Charge, or Accusation, of High Treason*; which was read a second Time this Day by the Lords, and committed.

The Bill against the impeached Bishops being now depending in the House of Commons, an Order was made, That they should be heard by themselves, or by Petition, at the Bar of that House, as this Day. The Bishops of *Durham*¹, and of *Lichfield* and *Coventry*^m appeared there, and spoke in their own Defence: The Speech of the latter was published at that Time, and is still preserved in our Collections; which we give here as follows: ⁿ

Mr. Speaker,

^c **A**S it hath been ever my Fashion, and in Truth it is my Disposition, to endeavour, at the least, to give Satisfaction to every Man, even to the meanest, that hath had any sinister Conceptions

The Bishop of
Lichfield and *Co-*
ventry's Defence,
at the Bar of the
House of Com-
mons.

¹ Dr. Thomas Moreton.

^m Dr. Robert Wright. He died in 1642.

ⁿ Printed by Richard Lowndes, without Ludgate, 1641.

tions of me, be it *Scandalum datum* or *acceptum*; An. 17. Car. I.
 so hath it been my Ambition, and I have sought it
 with Affection, as to all Men, so much more to
 this Honourable Assembly, especially concerning
 the late Petition and Protestation exhibited unto his
 Sacred Majesty, and the Lords and Peers in Par-
 liament. But, in the *first* Place, Mr. Speaker, I
 am, as it becomes me, to give most hearty and
 condign Thanks to the Noble Knights, Citizens,
 and Burgeses of this Honourable House of Com-
 mons; for that they have been pleased, by a gen-
 eral Vote, and I hope unanimous, to give me Leave
 to speak for myself; and to lay open the Truth of
 my Cause, concerning the said Petition and Pro-
 testation, before them.

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‘ And now, Mr. Speaker, to address myself to the
 Business; whereof I shall not speak as a Lawyer,
 for I have no Head for Law; neither shall I need
 to touch upon any Point thereof, as a flourishing
 Orator desirous to hear himself speak: I have long
 since laid aside my Books of Rhetoric. My Desire
 is, Mr. Speaker, to tread in the Steps of an old
 Divine, of whom *Sozomen* writes in his Ecclesia-
 stical History, who, groaning under the like heavy
 Burden and Accusation as I do, chose rather to
 vent his own Sense, and express the Truth of his
 Cause in plain Language, than to colour or cloak
 Falshood; or to extenuate his Offence, by forced,
 trapp’d, and new varnish’d Eloquence: And to that
 Purpose my Conceptions and Narration shall stand
 only upon two Feet, Negation and Affirmation.

‘ There are some Things that I must deny, and
 yet justly; somewhat I must affirm, and that I shall
 do ingenuously and fully.

‘ *First*, for the Negative: I never Framed, made,
 nor contrived, compiled or preferred, any such Pe-
 tition or Protestation. I never was at any Meet-
 ing, Consultation or Conference, about any such
 Business; nay, I never heard of any Intention,
 much less Execution, of any such Thing, untill it
 was the *Wednesday* in *Christmas*, being the 29th of
December; at which Time it was brought unto
 my

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my House in *Covent-Garden*, being betwixt Six and Seven at Night, (subscribed by some of my Brethren) with a Request, that I would subscribe suddenly also.

‘*Next*, for the Affirmative: Presuming that so learned, grave, and wise Men, well versed in Matters of that Nature, would not have attempted any such Thing, without good Counsel, to the Endangering of themselves and their Brethren, and to the Distaste of the Lords; and that all the rest of the Bishops, in and about the City of *London* and *Westminster*, would subscribe thereunto; and that it should not be preferred, without the Approbation and mature Deliberation of good Counsel, and of us all, I made one, and set my Hand thereto; which I do now acknowledge, and never yet denied; nay, the first Time that I came to the Bar in the Lords House, I acknowledged that my Hand was to it; and divers of this Honourable Presence heard it so read unto them, out of the *Journal* of the Lords House.

‘Now, Mr. Speaker, if these my deceived and deceiving Thoughts (to use St. *Bernard*’s Phrase) have led me into an Error, the Error is either *ex Ignorantiâ Juris*, an Unskilfulness in the Law, or *Debilitate Judicii*, a Weakness of my Apprehension; else *ex nimia Credulitate*, out of my too much Confidence in others; not of any prepenfed Malice, or out of a Spirit of Contradiction, as the Lord knoweth. The Schoolmen tell me, that *Duo sunt in omni Peccato*, there is *Actio & Malitia Actionis*; I own the Action, the Subscription is mine; but that there was any Malice in the Action (to cross any Vote, at which I was not present) I utterly disavow.

‘And therefore, Mr. Speaker, I shall become an humble Suitor, that I may recommend three most humble Requests, or Motions, to this Honourable House.

‘This *first* Motion is, That you would be pleased to tread in the Steps of *Constantine* the Christian Emperor, who had ever this Resolution, That if he should

should see *Sacerdotem peccantem*, an offending Di-
vine, he would rather cast his Purple Garment up-
on him, than reveal the Offence, for the Gospel's
Sake of *Christ*.

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‘ My *second* Motion is, That if my Subscrip-
tion shall make me a Delinquent, and worthy of
any Censure, that then the Censure may not ex-
ceed, but, at the highest, be proportionable to the
Offence.

‘ The *third* and *last* Motion is, That that Saying
of *Plautus* (after my fifty-eight Years painful, con-
stant, and successful preaching of the Gospel of
Christ, in the Kingdom of *England*, and in Foreign
Parts) may not be verified of me, *Si quid bene fece-
ris, levior Pluma est Gratia; si quid Mali feceris,
plumbeas Iras gerunt*.

‘ And now, Mr. Speaker, I might here tender
divers Motions to the Consideration of this Ho-
nourable House, for favourable Construction of my
rash Subscription, I may say Commiseration; yet
all without Ostentation, that is far from me; but
rather for the Consolation of my perplexed Soul;
for the great Affliction, Restraint, and Disgrace,
which I have long sustained; (which is far greater
than ever I endured before, and transcends the
Dangers and Jeopardies of the Seas, and the Mife-
ries of the Wars, whereof I have had my Share)
and partly for the Vindication of my former Repu-
tation, Calling, and Profession; which is now so
clouded, eclips’d, and blacken’d in the Eyes of the
World, and scandaliz’d in the Mouths of the vul-
gar Multitude; that, without Reparation, and Re-
stitution to my former Esteem, I shall never have
Heart to shew my Face in the Pulpit any more,
wherein I have wished to end my Days.

‘ But I wave all these, because I will not detain
you from other Occasions of greater Importance;
and desire my Ways may be made known unto
you, rather by Inquisition, than my own Relation;
only I shall appeal to the Noble Knights, Citi-
zens, and Burgeesses of the Diocese where I now
live; and of the other wherein formerly I did live,

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I can never name without that Title, not only in respect of their Piety, Unity, and Conformity, but also in respect of their Love, Kindness, and extraordinary Bounty unto me. I appeal to them, for their Testimonies and Knowledge of my Courses amongst them; nay, I appeal to the Records of that Honourable House, where, I am confident, after sixteen Months sitting, there is nothing found that can trench upon me, neither, I hope, will nor may be.

‘ And therefore my humble Suit is for Expedition, if you intend Accusation; or rather for your Mediation, that I may speedily return to my own Home and Cure, *to redeem the Time because the Days are Evil*, as the Apostle speaks; and to regain the Esteem and Reputation which I was long in getting, and long enjoyed, but lost in a Moment; for if I should out-live (I say not my Bishoprick, but) my Credit, my grey Hairs and many Years would soon be *brought with Sorrow to the Grave*.

‘ I have done, Mr. Speaker; and there remains nothing now but that I become a Petitioner unto Almighty God, That he will be pleased to bestow upon you all the Patriarch’s Blessings, even the Dew of Heaven, and the Fatness of the Earth: And I end with that of St. *Jude, Mercy, Peace, and Love be multiplied unto you*; I say again, with a religious and affectionate Heart, *Mercy, Peace, and Love be multiplied unto you*.’

March 5. The Ordinance concerning the Militia was again read by the Lords, and the King’s Name and Authority wholly left out of it. Hereupon one of the Lords starting a Doubt, That it was a Scruple to his Conscience whether this Ordinance doth not intrench upon the Oath of Allegiance? That Oath was read, and it was resolved, upon the Question, *Nem. Con.* ‘ That the passing of this Ordinance, now read, is not any way against the Oath of Allegiance.’ Then it was resolved, ‘ That this Ordinance

dinance of the Lords and Commons in Parliament, An. 17. Car. 1^a 1641. for the Safety of the Kingdom of *England* and Dominion of *Wales*, shall pass°. The last mention'd Peers, with the Earl of *Devon*, the Lords *Rich*, *Howard de Charlton* and *Savile*, dissenting.

Whitlocke writes, 'That these Votes and Resolutions were carried thro' the House of Commons, chiefly, by the Opinions and Encouragement of *Pymme*, *Hampden*, *Holles*, and *Stapylton*; with the Lawyers, *St. John*, *Corbet*, *Lisle*, and others. In the House of Lords, he says, the Lord-Keeper *Littleton* was very confident in his Opinion of it, and concurred with the Commons. The Arguments urged in Favour of the Ordinance were, 'That the Lords and Commons, in case of the King's Minority, Sickness, or Absence, had done the same in other Times; as when *Henry III.* died, and his Son *Edward I.* was in the *Holy Land*, and came not home in almost two Years after his Father's Death; yet, in the mean Time, the Lords and Commons appointed Lieutenants in the several Counties, and made several Ordinances, which are of Force at this Day: So are the Ordinances made by them in the Minority of *Henry VI.* upon the Difference between him and the Duke of *York*; and the Ordinances in the Minority of *Edward VI.* and in other Times:

'That the King was now absent, and, having called his Parliament at *Westminster*, was himself gone as far from them as *York*; and had, before he came thither, and since, appeared with warlike Forces about him, to the Terror of the Parliament.

'That the Business of *Ireland* and other threatening Dangers gave too much Cause of Fears and Jealousies to the Parliament, and to stand upon their Guard, for Defence of themselves and the Kingdom;

° The Ordinance at large, as passed by both Houses, we purposely omit, it being the same as the Draught before given at p. 281, excepting the Omission of the King's Name and Authority throughout, and the filling up the Blanks of the Lieutenancies with the Names of the same Persons whom the Commons had recommended to the King; a List of whom are to be found at p. 283.

The Ordinance pass'd for settling the Militia, by Parliament, without the King.

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dom; without which the King would so grow upon them, and his evil Counsellors so prevail, that they would undoubtedly bring their Designs to pass, of a speedy introducing of Popery and Tyranny: Whereas, if they saw the Parliament in a good Posture of Defence, and that the People generally would adhere to them, as no Doubt but they would, that then the King would be brought to a good Accommodation and Agreement with his Parliament, without a Blow to be struck between them; whereby they should preserve the just Rights and Liberties of the Subject, the Privilege of Parliament, themselves and their Friends, and the Protestant Religion, from Ruin; which, without this Appearance only of Arms, or Power to arm if there should be Occasion, would unavoidably be brought to pass.'

The *Memorialist* adds, 'That these Arguments, together with the solemn Protestations of the most powerful and active Members, 'That they had not the least Purpose or Intention of any War with the King, but to arm themselves for their necessary Defence, prevailed with most Men to keep their Station, and, at present, to accept Commissions of Deputy-Lieutenancy: That accordingly Mr. *Maynard*, Mr. *Glynne*, Mr. *Grimstone*, Mr. *St. John*, Mr. *Selden* ^p, and divers other Gentlemen of great Parts and Interest accepted of the like Commissions, and continued their Service in the Parliament: But that Mr. *Palmer*, Mr. *Hyde*, Mr. *Bridgman*, and divers other eminent Lawyers and Gentlemen, who had given their Opinions positively against the Ordinance, left the House upon the passing of it.'

Farther Resolutions relating to the Militia.

To strengthen this Ordinance of Parliament, there were some more Resolutions of the Commons, read and agreed to by the Lords, *viz.* That the several Commissions, granted under the Great Seal, for Lieutenancies of Counties, were illegal and void:

That

^p Lord *Clarendon* says, Mr. *Selden* opposed this Ordinance for the Militia very warmly; but he agrees with Mr. *Whitlocke* as to the Opinion of the Lord-Keeper *Littleton*.

That such Commissions should be all called in and cancelled: That whosoever shall execute any such Power again, without the Consent of Parliament, shall be accounted a Disturber of the Peace of the Kingdom. But to these Resolutions the Earl of *Southampton*, with the Lords *Mowbray*, *Howard*, and *Seymour*, entered their Dissent.

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The House of Commons having sent up the Form of a Declaration to be presented to the King, to which they desired their Lordships Concurrence, and the same being read, the Debate of it was put off till *Monday* the 7th; and, in the mean Time, a Conference was desired with the Commons, to know of them what Proofs could be offered to satisfy such Lords who doubted the Truth of some Particulars in that Declaration. Accordingly, on that Day, a Conference was held; and, after it, the Declaration was again read in the House of Lords, as follows:

May it please your Majesty,

‘ Although the Expressions in your Majesty’s The Declaration
‘ **A** Message, of the 2d of this Instant *March*, of both Houses,
‘ do give just Cause of Sorrow to your faithful Sub- setting forth the
‘ jects, the Lords and Commons in Parliament; Causes of their
‘ yet it is not without some Mixture of Confidence Jealousies and
‘ and Hope, considering they proceeded from the Fears.
‘ Misapprehension of our Actions and Intentions;
‘ which, having no Ground of Truth or Reality,
‘ may, by your Majesty’s Justice and Wisdom, be
‘ removed, when your Majesty shall be fully in-
‘ formed that those Fears and Jealousies of ours,
‘ which your Majesty thinks to be causeless, and
‘ without any just Ground, do necessarily and clear-
‘ ly arise from those Dangers and Distempers, into
‘ which the mischievous and evil Counsels about you
‘ have brought this Kingdom; and that those other
‘ Fears and Jealousies, by which your Favour,
‘ your Royal Presence and Confidence, have been
‘ withdrawn from your Parliament, have no Foun-
‘ dation

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‘ dation or Subsistence in any Action, Intention,
 ‘ or Miscarriage of ours; but are meerly ground-
 ‘ upon the Falshood and Malice of those, who, for
 ‘ the supporting and fomenting their own wicked
 ‘ Designs against the Religion and Peace of the
 ‘ Kingdom, do seek to deprive your Majesty of the
 ‘ Strength and Affection of your People, and them
 ‘ of your Grace and Protection; thereby to subject
 ‘ both your Royal Person and the whole Kingdom
 ‘ to Ruin and Destruction.

‘ To satisfy your Majesty’s Judgment and Con-
 ‘ science in both these Points, we desire to make a
 ‘ clear and free Declaration of the Causes of our
 ‘ Fears and Jealousies, which we offer to your Ma-
 ‘ jesty, in these Particulars :

1st, ‘ That the Design of altering Religion in
 ‘ this, and in your other Kingdoms, hath been
 ‘ potently carried on by those in greatest Authority
 ‘ about you for divers Years together; the Queen’s
 ‘ Agent at *Rome*, and the *Pope’s* Agent or Nuncio
 ‘ here, are not only Evidences of this Design, but
 ‘ have been great Actors in it.

2^{dly}, ‘ That the War with *Scotland* was procur’d
 ‘ to make Way for this Intent, and chiefly invited
 ‘ and fomented by the Papists, and others Popishly
 ‘ affected; whereof we have many Evidences, espe-
 ‘ cially their free and general Contribution to it.

3^{dly}, ‘ That the Rebellion in *Ireland* was framed
 ‘ and contrived here in *England*; and that the *Eng-
 ‘ lish* Papists should have risen about the same Time,
 ‘ we have several Testimonies and Advertisements
 ‘ from *Ireland*; and that it is a common Speech a-
 ‘ mongst the Rebels, (wherewith concur other Evi-
 ‘ dences and Observations of the suspicious Meet-
 ‘ ings and Consultations; the tumultuary and sedi-
 ‘ tious Carriage of those of that Religion in divers
 ‘ Parts of this Kingdom, about the Time of the
 ‘ breaking out of the *Irish* Rebellion; the Deposi-
 ‘ tion of *O’Connelly*; the Information of Mr. *Cole*,
 ‘ Minister; the Letter of *Trestram Whitcombe*; the
 ‘ Deposition of *Thomas Grant*, and many others
 ‘ which

‘ which we may produce, do all agree in this) and
 ‘ the public Declaration of the Lords, Gentlemen,
 ‘ and others of the Pale, that they would join with
 ‘ the Rebels, whom they call the *Irish* Army, or
 ‘ any other, to recover unto his Majesty his Royal
 ‘ Prerogative, wrested from him by the Puritan Fac-
 ‘ tion in the Houses of Parliament in *England*; and
 ‘ to maintain the same against all others; as also to
 ‘ maintain Episcopal Jurisdiction, and the Lawful-
 ‘ ness thereof: These two being the Quarrels, upon
 ‘ which his Majesty’s late Army in the *North* should
 ‘ have been incensed against us.

‘ The great Cause we have to fear that the late
 ‘ Design, styled *The Queen’s pious Intention*, was
 ‘ for the Alteration of Religion in this Kingdom;
 ‘ for Success whereof the *Pope’s* Nuncio, the Count
 ‘ *Rosetti*, enjoined Fasting and Praying to be obser-
 ‘ ved every Week by the *English* Papists; which
 ‘ appeared to us by one of the original Letters, di-
 ‘ rected, by him, to a Priest in *Lancashire*.

‘ The Boldness of the *Irish* Rebels, in affirming
 ‘ they do nothing but by Authority from the King;
 ‘ that they call themselves the Queen’s Army;
 ‘ that the Prey or Booty which they take from
 ‘ the *English*, they mark with the Queen’s Mark;
 ‘ that their Purpose was to come to *England*, after
 ‘ they had done in *Ireland*; and sundry other
 ‘ Things of this Kind, proved by *O’Connelly*, and
 ‘ divers others, especially in the afore-mentioned
 ‘ Letter from *Tresfram Whitcombe*, the Mayor of
 ‘ *Kingsale*, to his Brother *Benjamin Whitcombe*,
 ‘ wherein there is this Passage, *That many other*
 ‘ *strange Speeches they utter, about Religion and*
 ‘ *our Court of England, which he dares not commit*
 ‘ *to Paper*.

‘ The manifold Attempts to provoke your Ma-
 ‘ jesty’s late Army, and the Army of the *Scots*,
 ‘ and to raise a Faction in the City of *London* and
 ‘ other Parts of the Kingdom; that those, who have
 ‘ been Actors in those Businesses, have had their
 ‘ Dependance, their Countenance, and Encourage-
 ‘ ment from the Court: Witness the Treason
 ‘ where-

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whereof Mr. *Jermyn*, and others, stand accused, who were transported beyond Sea, by Warrant under your Majesty's Hand, after your Majesty had given Assurance to your Parliament that your Majesty had laid a strict Command upon all your Servants, that none of them should depart from Court; and that dangerous Petition, delivered to Capt. *Legge* by your Majesty's own Hand, accompanied with a Direction, signed C. R. ^a

The false and scandalous Accusation against the Lord *Kimbolton*, and the five Members of the House of Commons, tendered to the Parliament by your Majesty's own Command; endeavoured to be justified in the City, by your own Presence and Persuasion; and to be put in Execution upon their Persons, by your Majesty's Demand of them in the House of Commons, in so terrible and violent a Manner, as far exceeded all former Breaches of Privileges of Parliament, acted by your Majesty, or any of your Predecessors: And whatsoever your own Intentions were, divers bloody and desperate Persons, who attended your Majesty, discovered their Affections and Resolutions to have massacred and destroyed the Members of that House; if the Absence of those Persons accused had not, by God's Providence, stopped the giving of that Word which they expected, for the setting them upon that barbarous and bloody Act: The Lifting of so many Officers, Soldiers, and others; putting them into Pay, and under Command of Colonels; feasting and caressing them in an unusual Manner, at *Whitehall*; thereby maintaining them in the violent Assaults, and other Injuries, which they offered to divers of your Subjects, coming that Way in a lawful and peaceable Manner; the carrying them out of Town; after which they were told by Lord *Digby*, *That the King removed on purpose, that they might not be trampled in the Dirt*; and keeping them

^a Lord *Clarendon* gives a very particular Account of this Petition intended to have been subscribed by the Officers of the Army.

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* them so long in Pay; endeavouring to engage the
 * Gentlemen of the Inns of Court in the same
 * Course; the plotting and designing of a perpetual
 * Guard about your Majesty; the labouring to in-
 * fuse into your Majesty's Subjects an evil Opinion
 * of the Parliament through the whole Kingdom;
 * and other Symptoms of a Disposition of raising
 * Arms, and dividing your People by a Civil War;
 * in which Combustion *Ireland* must needs be lost,
 * and this Kingdom miserably wasted and consum'd,
 * if not wholly ruined and destroyed.

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* That after a Vote had passed in the House of
 * Commons, (declaring, That the Lord *Digby* had
 * appeared in a warlike Manner, at *Kingston* upon
 * *Thames*, to the Terror and Fright of your Ma-
 * jesty's good Subjects, and Disturbance of the Pub-
 * lic Peace of the Kingdom; and that therefore
 * the Lords should be moved to require his Attend-
 * ance) he should, nevertheless, be of that Credit
 * with your Majesty, as to be sent away, by your
 * own Warrant, to Sir *John Pennington*, to land
 * him beyond the Sea; from whence he vented his
 * own traiterous Conceptions, *That your Majesty*
 * *should declare yourself, and retire to a Place of*
 * *Strength in this Kingdom*, as if your Majesty
 * could not be safe among your People; and, with-
 * all, took that transcendent Boldness to write to the
 * Queen, offering to entertain Correspondence with
 * her Majesty by Cyphers, intimating some Service
 * which he might do in those Parts, for which he
 * desired your Majesty's Instructions; whereby, in
 * all Probability, he intended the procuring of some
 * foreign Force, to strengthen your Majesty in that
 * Condition into which he would have brought
 * you; which false and malicious Counsel and Ad-
 * vice, we have great Cause to doubt, made too
 * deep an Impression in your Majesty; considering
 * the Course you are pleased to take, of absenting
 * yourself from your Parliament, and carrying the
 * Prince with you; which seems to express a Pur-
 * pose in your Majesty, to keep yourself in a Rea-
 * diness for the acting of it.

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Y

* The

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‘ The manifold Advertisements which we have
 ‘ had from *Rome, Venice, Paris*, and other Parts,
 ‘ that they still expect that your Majesty has some
 ‘ great Design in Hand, for the altering of Reli-
 ‘ gion, and breaking the Neck of your Parliament;
 ‘ that you will yet find Means to compass that De-
 ‘ sign; that the *Pope’s* Nuncio hath solicited the
 ‘ Kings of *France* and *Spain* to lend your Majesty
 ‘ 4000 Men a-piece, to help to maintain your Roy-
 ‘ alty against the Parliament: And this foreign
 ‘ Force, as it is the most pernicious and malignant
 ‘ Design of all the rest, so we hope it is, and shall
 ‘ always be, farthest from your Majesty’s Thoughts;
 ‘ because no Man can believe you will give up your
 ‘ People and Kingdom to be spoiled by Strangers,
 ‘ if you did not likewise intend to change both
 ‘ your own Profession in Religion, and the public
 ‘ Profession of the Kingdom; that so you might
 ‘ still be more assured of those foreign States of the
 ‘ Popish Religion, for your future Support and De-
 ‘ fence. ’


‘ These are some of the Grounds of our Fears
 ‘ and Jealousies, which made us, so earnestly, to
 ‘ implore your Royal Authority and Protection for
 ‘ our Defence and Security, in all the Ways of
 ‘ Humility and Submission; which being denied
 ‘ by your Majesty, seduced by evil Counsel, we do,
 ‘ with Sorrow for the great and unavoidable Mi-
 ‘ sery and Danger which thereby is like to fall up-
 ‘ on your own Person and your Kingdoms, apply
 ‘ ourselves to the Use of that Power, for the Se-
 ‘ curity and Defence of both, which, by the Fun-
 ‘ damental

‘ When this Clause was read in the House of Commons, Sir
Ralph Hopton told them, ‘ That they therein accused the King for
 being an Apostate to his Religion, not only in his own Person, but
 of endeavouring to bring in his People to the same Apostacy and Ide-
 latry; for which the Commons sent him to the *Tower*.’—But he
 was discharged a few Days after.

Com. Journ.

Lord *Clarendon* adds, ‘ That Sir *Ralph Hopton* objected to some
 sharp Expressions in the Declaration, (before it passed the House, and
 when the Question was, whether it should pass) as being too distant
 from that Reverence which ought to be used to the King; and that,
 in relation to this Clause, he said, They seemed to ground an Opi-
 nion of the King’s Apostacy upon a less Evidence than would serve
 to hang a Fellow for stealing a Horse.’

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* damental Laws and Constitutions of this King- An. 17. Car. 1.
 * dom, resides in us; yet still resolving to keep our- 1641.
 * selves within the Bounds of Faithfulness and Al-
 * legiance to your Sacred Person and your Crown.  March.

* As to the second Sort of Jealousies and Fears of
 * us, expressed by your Majesty, we shall give a
 * shorter, but as true and as faithful an Answer.

* Whereas your Majesty is pleased to say, *That*
 * *for your Residence near the Parliament, you wish it*
 * *might be so safe and honourable, that you had no*
 * *Cause to absent yourself from Whitehall*: This we
 * take as the greatest Breach of Privilege of Parlia-
 * ment that can be offered; as the heaviest Misery
 * to yourself, and Imputation upon us, that can
 * be imagined, and the most mischievous Effects of
 * evil Counsels; it roots up the strongest Founda-
 * tion of the Safety and Honour which your Crown
 * affords; it seems, as much as may be, to cast upon
 * the Parliament such a Charge as is inconsistent
 * with the Nature of that Great Council, being the
 * Body whereof your Majesty is the Head; it strikes
 * at the very Being both of King and Parliament;
 * depriving your Majesty, in your own Apprehen-
 * sion, of their Fidelity, and them of your Protec-
 * tion, which are the mutual Bands and Supports
 * of Government and Subjection.

* We have, according to your Majesty's Desire,
 * laid our Hands upon our Hearts; we have asked
 * ourselves in the strictest Examination of our Con-
 * sciences; we have searched our Affections and
 * our Thoughts; considered our Actions; and we
 * find none that can give your Majesty any just Oc-
 * casion to absent yourself from *Whitehall* and the
 * Parliament; but that you may, with more Ho-
 * nour and Safety, continue there than in any other
 * Place.

* Your Majesty lays a general Tax upon us; yet
 * if your Majesty will be graciously pleased to let
 * us know the Particulars, we shall give a clear and
 * satisfactory Answer: But what Hope can we have
 * of ever giving your Majesty Satisfaction, when
 * Y 2 those

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‘ those Particulars which you have been made to believe were true, yet, being produced and made known to us, appeared to be false; and your Majesty, notwithstanding, will neither punish nor produce the Authors, but go on to contract new Jealousies and Fears, upon general and uncertain Grounds, affording us no Means or Possibility of particular Answer to the clearing of ourselves; for Proof whereof, we beseech your Majesty to consider these Instances :

‘ The Speeches alledged to be spoken in a Meeting of divers Members of both Houses at *Kensington*, concerning a Purpose of restraining the Queen and Prince; which, after it was denied and disavowed, yet your Majesty refused to name the Authors, tho’ humbly desired by both Houses.

‘ The Report of Articles framed against the Queen’s Majesty, given out by some of near Relation to the Court; but when it was publickly and constantly disclaimed, the Credit seemed to be withdrawn from it; but the Authors being kept safe, will always be ready for Exploits of the same Kind; wherewith your Majesty and the Queen will be often troubled, if this Course be taken to cherish and secure them in such wicked and malicious Slanders.

‘ The heavy Charge and Accusation of the Lord *Kimbolton* and the five Members of the House of Commons, who refused no Trial or Examination which might stand with the Privilege of Parliament; yet no Authors, no Witnesses produced, against whom they may have Reparation for the great Injury and Infamy cast upon them; notwithstanding three several Petitions of both Houses, and the Authority of two Acts of Parliament vouched in the last of those Petitions.

‘ We beseech your Majesty to consider in what State you are; how easy and fair a Way you have to Happiness, Honour, Greatness, Plenty, and Security, if you will join with the Parliament and your faithful Subjects, in Defence of the Re-

ligion

'ligion and Public Good of the Kingdom: This is
 'all we expect from you, and for this we shall re-
 'turn to you our Lives, Fortunes, and uttermost
 'Endeavours to support your Majesty in your just
 'Sovereignty and Power over us: But it is not
 'Words that can secure us in these our humble De-
 'sires. We cannot but too well, and sorrowfully,
 'remember what gracious Messages we had from
 'you this Summer, when, with your Privy, the
 'bringing up the Army was in Agitation; we can-
 'not but, with the like Affections, recall to our
 'Minds, how, not two Days before you gave Di-
 'rections for the above-mentioned Accusation, and
 'your own Coming to the Commons House, that
 'House receiv'd from your Majesty a gracious Mes-
 'sage, *That you would always have the same Care of*
 '*their Privileges, as of your own Prerogative; of the*
 '*Safety of their Persons, as of your own Children.*
 'That which we expect, and which will give us
 'Assurance that you have no Thought but of
 'Peace and Justice to your People, must be some
 'real Effect of your Goodness to them, in granting
 'those Things which the present Necessity of the
 'Kingdom doth inforce us to desire: And, in the
 'first Place, that your Majesty will be graciously
 'pleased to put from you those wicked and mis-
 'chievous Counsellors, which have caused all these
 'Dangers and Distractions; and to continue your
 'own Residence, and the Prince's, near *London*, and
 'the Parliament: This, we hope, will be a happy
 'Beginning of Contentment and Confidence be-
 'twixt your Majesty and your People, and be fol-
 'lowed with many succeeding Blessings of Honour
 'and Greatness to your Majesty, and of Security
 'and Prosperity to them.'

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After reading this Declaration a Debate ensued,
 and the Question being put, it was resolved to
 agree with the House of Commons in this Decla-
 ration, and that it be presented to the King: A
 Committee of both Houses being appointed accord-

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March. Against which some Peers enter a Protest.	<i>Earl of LINDSEY, Lord</i>	<i>Lord GREY.</i>
	<i>Great Chamberlain.</i>	<i>Lord RICH.</i>
	<i>Earl of SOUTHAMPTON.</i>	<i>Lord HOWARD de Charl-</i>
	<i>E. of NORTHAMPTON.</i>	<i>ton.</i>
	<i>Earl of DEVON.</i>	<i>Lord SAVILE.</i>
	<i>Earl of CLEVELAND.</i>	<i>Lord DUNSMORE.</i>
	<i>Lord MOWBRAY.</i>	<i>Lord SEYMOUR.</i>
	<i>Lord WILLOUGHBY de</i>	<i>Lord CAPEL.</i>
	<i>Eresby.</i>	

In the Afternoon of this Day, the Lords received a Message from the Commons, desiring their Lordships to sit a-while, having some Business to communicate to them of high Importance. Soon after came Mr. *Pymme*, and presented to the House some Reasons, which, he said, the House of Commons thought fit to be delivered to the King; either in Writing, or by Word of Mouth, along with the foregoing Declaration. The Reasons were read in these Words:

Additional Reasons in Support of the foregoing Declaration.

THE Lords and Commons have commanded us to present unto your Majesty this further Addition to their former Declaration.

That your Majesty's Return, and Continuance near the Parliament, is a Matter, in their Apprehension, of so great Necessity and Importance towards the Preservation of your Royal Person and your Kingdoms, that they cannot think they have discharged their Duties in the single Expression of their Desire, unless they add some further Reasons to back it with.

1st, 'Your Majesty's Absence will cause Men to believe, that it is out of Design to discourage the Undertakers, and hinder the other Provisions for raising Money for Defence of *Ireland*.

2^{dly}, 'It will very much hearten the Rebels there, and disaffected Persons in this Kingdom, as being an Evidence and Effect of the Jealousy and Division betwixt your Majesty and your People.

3^{dly},

3dly, 'That it will much weaken and withdraw
' the Affection of the Subject from your Majesty,
' without which a Prince is deprived of his chiefest
' Strength and Lustre, and left naked to the great-
' est Dangers and Miseries that can be imagined.

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4thly, 'That it will invite and encourage the
' Enemies of our Religion, and the States in foreign
' Parts, to the attempting and acting of their evil
' Designs and Intentions towards us.

5thly, 'That it causeth a great Interruption in
' the Proceedings of Parliament.

' These Considerations threaten so great Danger
' to your Majesty's Person, and to all your Domi-
' nions, that, as your Majesty's Great Council, they
' hold it necessary to represent to you this their
' faithful Advice, that so, whatsoever followeth,
' they may be excused before God and Man.'

These Reasons were also voted by the Lords,
to be presented at the same Time with the Decla-
ration.

March 8. This Day a Letter from the King,
directed to the Lord-Keeper, Speaker of the House
of Peers, was opened and read, viz.

CHARLES R.

Right Trusty and Well-beloved Counsellor, we
greet you well,

WE have thought good hereby to certify, That we
did, on the third of January last, deliver un-
to our Attorney-General certain Articles of Accusa-
tion, ingrossed in a Paper, (a Copy whereof we have
sent here inclosed) and did then command him, in our
Name, to acquaint our House of Peers, that divers
great and treasonable Designs and Practices against
us and the State, had come to our Knowledge; for
which we did command him, in our Name, to accuse
the six Persons, in the said Paper mentioned of High
Treason.

The King's Let-
ter excusing the
Attorney-Gener-
al.

* These additional Reasons are in the Journals: The Declara-
tion itself is not there; but they were both published together by
Order of Parliament.

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Treason, and other High Misdemeanors, by delivering the Paper to the said House, &c. [as before recited.]

We further declare, That our said Attorney did not advise or contrive the said Articles, nor had any Thing to do with, or in, advising any Breach of Privilege that followed after; and for what he did, in Obedience to our Commands, we conceive he was bound by his Oath and the Duty of his Place, and by the Trust by us reposed in him, so to do; and had he refused to have obeyed us therein, we would have questioned him for the Breach of his Oath, Duty, and Trust: But now having declared, That we find Cause wholly to desist from proceeding against the Persons accused, we have commanded our Attorney to proceed no farther therein, nor to produce or discover any Proofs concerning the same.

Given at our Court at *Royston*, the fourth Day of *March*, 1641.

Which the Lords lay by, and proceed on his Trial.

The Lords, conceiving this Letter to be a Prelimiting the Judgment of their House, resolv'd to proceed in the Business against the Attorney-General, directly; and to take this Letter into Consideration afterwards, as a Matter of great Consequence, A Message was also sent to the Commons, to inform them of the Letter, and that their Lordships were ready to proceed against the Attorney-General, if they would send a Committee of their House to manage the Evidence. Accordingly

Serjeant *Wylde's* Speech at opening the Evidence against him.

The Committee being come, the Lord-Keeper told them they might begin their Evidence; whereupon Mr. Serjeant *Wylde*, one of them, said, 'That they were commanded and appointed by the House of Commons, to make good their Charge against Sir *Edward Herbert*, Knt. his Majesty's Attorney-General; a Person of Eminency in the Common Law, both eminent in Place, and eminent in Crime; the Nature and Deformity of which was set forth in the Impeachment, which he desired might be read.

Then he observed, That his Charge was of three Parts :

1A,

1st, ' The advising and contriving of these foul Articles. An. 17. Car. I.
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2^{dly}, ' The publishing and exhibiting of them in this House. March.

3^{dly}, ' The Falshood, Scandal, Malice, and other Ingredients, mix'd and incorporated so together, that they could no more be separated than Blackness from the *Æthiopian*; or, if they could be separated, yet each of them was sufficient to call for Judgment against Mr. Attorney.

' He then mention'd the exhibiting of these Articles, Jan. 3, 1641, and they were read out of the *Journal-Book* of that Day.

' Also the King's Proclamation, reciting, That his Attorney-General, by his Majesty's Command, had accused the six Members of High Treason in the House of Lords. Likewise his Majesty's Letter to *Dover*, and other Ports, for the apprehending of them, reciting that they were accused by the Attorney-General. Next he desired that Mr. Attorney's Answer might be read; wherein, he said, There was Matter enough to condemn him: In which he confessed the exhibiting the Paper of Articles, as a Message from his Majesty, and by his Command; on which it was recorded in the Clerk's Book; put into a Course of Proceeding; a Committee appointed for Examination of Witnesses, under a Command of Secrecy; and a Desire to the Lords that their Persons might be secured.

' These were the Steps and Degrees of his Proceedings; but, in his Answer, he denies the advising and contriving of these Articles; and saith, That he was so far from that, that he knew nothing at all of them, till he received this Command from his Majesty for the exhibiting of them; being sent for, immediately before, by his Majesty for that Purpose. But this, he said, was so far from Satisfaction to the House of Commons, or Qualification of the Offence, that it aggravated and augmented it.

' For the exhibiting and promoting of those Articles, is, in Judgment of Law, an evident Demonstration

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stration of his Contrivance of them: As, in the Case of stolen Goods, the Receipt and Possession of them is an Evidence, to a Jury of Life and Death, of the stealing of them, unless the Party can shew how he came by them. In Case of Trover and Conversion of Goods, tho' the Denial of them, upon Demand, be no Conversion in Law, whereon to ground an Action, upon *Not guilty* pleaded; yet it is a good Evidence to a Jury to find him guilty of the Conversion. In Case of a Libel, the Finder and Publisher shall be adjudged the Author and Contriver of it, unless he can produce some other Author.

' So, in this Case, the publishing and exhibiting of these Articles, by the Attorney-General, is a clear Evidence that he contrived them; the one doth necessarily imply the other. The Contriving, without the Publishing, is but an Inception of an Offence; the Publishing is the Consummation of it, and therefore the more heinous. The Publisher is the grand Offender; he blows the Coals and the Trumpet. If it could be imagined that there was another Author, or Contriver of these, than Mr. Attorney, as he would pretend, yet the Exhibiting and Promoting of them is an Offence so heavy, as needs no other additional Weight to press him down to the Ground; who, by such an Act of Injustice and false Accusation, would so grievously have oppressed them. Mischiefs, hatch'd in the Brain, are only mischievous to the Inventor; but the Vegetation and Life is from the Publisher; he gives Motion and Agitation to it, which, otherwise, would be but an abortive and inanimate Creature.

' But for the Excuse, under which he seeks to shelter himself, that is, The King's Command, this adds more to his Offence; a foul Asperision on his Majesty, and a Wrong to his gracious Master; for he could not but know that the King's Command, in Things illegal, is utterly frustrate, and of no Effect: His Patents and Grants, if against the Crown, in Matter of Interest, are merely void, *quod in Deceptione Regis*; if against the Weal-Public, they

they are *ipso Jure vacua*; much more his Command, in Matters criminal, because no Action lies against him.

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‘ The Serjeant, next, proceeded to cite several Cases, from the *Statute-Books*, *Rolls of Parliament*, *Reports*, and even *Magna Charta*, to prove, That the Attorney-General had broken all those Laws, and infringed all those Liberties; even the Rights of Parliament, by which no Member of either House ought to be impeached, either for Felony, Treason, or other Offences, without representing the Cause first to that House whereof he is a Member, and their Consent and Direction therein desired: For, otherwise, all Members of each House may be pulled out, one after another, upon a Pretence of Treason; which, perhaps, he said, was now Mr. Attorney’s Design.

‘ Besides, he said, That the Attorney had done contrary to his Oath, in this Business; for he is sworn to the King, duly and truly to issue out the King’s Writs, and give the King true Advice according to Law; which, in this Action, he had not done, contrary to his Oath.

‘ The Serjeant then said, That many aggravating Circumstances might be added; as, the Attorney’s Profession and Knowledge in the Law; his long Experience in the Course and Privileges of the High Court of Parliament, having been so often, and of late, a Member of the House of Commons, and obliged to them by many Favours; and now an Assistant or Attendant in the House of Lords: Then considering the Qualities of the Persons accused; their singular Parts, Integrity, and Merit; their indefatigable Labours and Travail for the Public Good, which could not expect such a Reward as this, the odious Name of Traitors: The woful and dangerous Consequences that have, *de Facto*, ensued upon this; for, by Colour of these Articles, they were proclaimed, posted, and sold up and down, for Traitors; they were hunted and sought for by Officers, demanded even from the Horns of the Altar; their Studies, Chambers, and
Trunks

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Trunks sealed up; the House of Commons strongly besieged; their Privileges strangely invaded; their last and uttermost Hopes ready to be confounded. As these are beyond Expression, so the Consequences that might have happen'd are beyond Imagination; Bloodshed, Horror, Devastation, and Confusion; all the Evils, Dangers, Troubles, and Distractions which have happened since, and what now the Houses lie under, may be imputed to this Act of Mr. Attorney.

‘Had he stood in the Gap, and humbly besought or advised the Forbearance of this, or declined the doing of it, as in all Equity he ought to have done, all these Miseries had been prevented; and a happy Reconciliation, in all Likelihood, settled between his Majesty and his People before this Time. It remains, therefore, that he who, willingly, judicially, and upon Record, hath contracted to himself the Guilt of all these Evils and Calamities, should receive, from their Lordships, such a Measure of Punishment as may make the Fact more odious, and himself the Mark of their exemplary Justice to this and after Ages.’

The Attorney
desires to answer
by his Counsel;

Serjeant *Wylde* having made an End of this Charge, desired, That if Mr. Attorney would make any Answer to it, he might speak himself; but the Attorney desired that his Counsel might be heard for him: To this the Serjeant objected, and said, That they were a Committee representing the House of Commons, and it did not stand with the Dignity of that House to have Counsel come to confront them. He further alledged, That this Offence of Mr. Attorney's had been voted, by both Houses of Parliament, an high Breach of the Privileges of Parliament, which no Counsel can, neither ought they to judge of. And because it concerned the House of Commons, in an high Degree, in their Privileges, as well as it did their Lordships, he desired that Mr. Attorney might not be allowed Counsel, but that he might speak for himself.

The

The Attorney replied, That their Lordships had been pleased, upon his humble Petition, to assign him Counsel in this Cause; that his Answer is put in by their Advice, and they are ready to maintain it; which if their Lordships should not allow of, he was not provided to make a Defence to his Charge; therefore desired their Lordships to hear him by his Counsel, and the Committee to take the Judgment of the House upon it.

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Hereupon both Sides being commanded to withdraw, the Lords put themselves into a Committee, for the more free Debate in this Matter; it being a mixed Case, consisting of Breach of Privilege of Parliament, Matter of Fact, and Matter of Law. The House being resumed, the Question was put, Whether Mr. Attorney should have Counsel, in Matter of Privilege, in this Case? and it was resolved in the Affirmative. The Committee of the House of Commons, the Attorney and his Counsel, being call'd in again, were told of this Resolution; and that their Lordships had appointed to proceed further in this Cause the next Day at One of the Clock.

Which the Lords agree to.

March 9. After reading a long Petition from Sir *Philip Carteret*, concerning the present Condition of the Isle of *Jersey*, which was referred to the Committee for the Defence of this Kingdom, the Lords proceeded in the Attorney-General's Cause; and his Counsel were told, that they were to begin with assisting him in his Defence, upon their Perils. The Counsel crav'd their Lordships Pardon therein, for they came not now provided for his Defence; because the Business concern'd the Privilege of Parliament, as was alledged Yesterday.

The Lords, not being satisfied with this Answer, directed the Attorney and his Counsel to withdraw; and, upon Consideration of it, it was ordered, That they should be commanded to give a direct Answer, severally, Whether they would plead or not; and if they would not, it should be taken as a Denial.

Being

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Being call'd in again, the Lord-Keeper commanded them to proceed; when Sir *Thomas Beddingfield*, one of the Counsel, answered, He desired Time to prepare for it, not being now provided. Sir *Thomas Gardiner*, Recorder of *London*, another Counsel, answered in like Manner. The rest of them said, That they were willing to plead now, at their Lordships Command, and thought it was their Duty so to do; but the chief Part of Mr. Attorney's Defence being committed to the aforesaid Gentlemen, by that Means they were not provided now, but desired some further Time, as their Lordships should please to appoint. On this, all being commanded to withdraw again, the Lords considering the Refusal of Sir *Thomas Beddingfield* and Sir *Thomas Gardiner*, to plead, as a Contempt of that House, ordered them both to be committed to the *Tower*, there to remain during the Pleasure of the House: And further ordered, That if Mr. Attorney desire other Counsel, in the room of the former, that he bring in the Names of such as he desires, the next Morning, for the better expediting of this Cause.

March 10. The Attorney made his humble Petition to the Lords, That they would assign him Mr. Serjeant *Green* and Mr. Serjeant *Pheasant*, as Counsel, in the room of the former two committed; which was granted, and *Saturday* the twelfth Instant was peremptorily appointed to proceed in that Business.

March 12. The Lords appointed to present the Parliament's Declaration to the King, reported, That they had done so at *Newmarket*, and that the next Day they had received the following Answer:

The King's Speech to the Committee, on their presenting the last Declaration to him, at *Newmarket*.

I Am confident that you expect not I should give you a speedy Answer to this strange and unexpected Declaration; and I am sorry, in the Distractions of this Kingdom, you should think this Way of Address to be more convenient than that proposed by my Message, of the 20th of January last, to both Houses.

As

As concerning the Grounds of your Fears and Jealousies, I will take Time to answer particularly, and doubt not but I shall do it to the Satisfaction of all the World. God, in his good Time, will, I hope, discover the Secrets and Bottoms of all Plots and Treasons, and then I shall stand right in the Eyes of all my People. In the mean Time, I must tell you, That I rather expected a Vindication for the Imputation laid on me in Mr. Pymme's Speech, than that any more general Rumours and Discourses should get Credit with you.

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For my Fears and Doubts, I did not think they should have been thought so groundless or trivial, while so many seditious Pamphlets and Sermons are looked upon, and so great Tumults are remembered, unpunished, uninquired into. I still confess my Fears, and call God to witness, that they are greater for the true Protestant Profession, my People, and Laws, than for my own Rights or Safety; though I must tell you, I conceive that none of these are free from Danger.

What would you have? Have I violated your Laws? Have I denied to pass any one Bill for the Ease and Security of my Subjects?—I do not ask you what you have done for me.

Have any of my People been transported with Fears and Apprehensions? I have offered as free and general a Pardon, as yourselves can devise. All this considered, there is a Judgment from Heaven upon this Nation, if these Distractions continue.

God so deal with me and mine, as all my Thoughts and Intentions are upright, for the Maintenance of the true Protestant Profession, and for the Observation and Preservation of the Laws of this Land; and I hope that God will bless and assist those Laws for my Preservation.

As for the Additional Declaration, you are to expect an Answer to it, when you shall receive the Answer to the Declaration itself.

A Narrative of some remarkable Passages that happened between the King and the Committee of both Houses, upon delivering the foregoing Declaration

An. 17. Car. I. ration to his Majesty, was published at this Time,
1641. as follows: *

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Remarkable
Passages on that
Occasion.

‘ When his Majesty heard that Part of the Declaration, which mentioned Mr. *Jermyn’s* Transportation, his Majesty interrupted the Earl of *Holland* in reading, and said, *That’s false*. Which being afterwards touched upon again, his Majesty then said, *’Tis a Lie*. And when he was inform’d, ‘ It related not to the Date, but the Execution of ‘ the Warrant:’ His Majesty said, *It might have been better expressed then, and that it was a high Thing to tax a King with Breach of Promise*. As for this Declaration, his Majesty said, *I could not have believed the Parliament would have sent me such a one, if I had not seen it brought by such Persons of Honour*. *I am sorry for the Parliament, but glad I have it; for, by that, I doubt not to satisfy my People, tho’, I am confident, the greater Part is so already*. *Ye speak of ill Counsels; but I am confident the Parliament hath had worse Informations than I have had Counsels*. His Majesty asking, *What he had denied the Parliament?* the Earl of *Holland* instanced that of the Militia: His Majesty replied, *That was no Bill*: The Earl of *Holland* then said, ‘ It was a ‘ necessary Request at this Time:’ And his Majesty also then said, *He had not denied it*.

The next Day, when his Majesty delivered his Answer, which was read by the Earl of *Holland* to the rest of the Committee; and that being done, his Lordship endeavour’d to persuade his Majesty to come near the Parliament: His Majesty answered, *I would you had given me Cause, but I am sure this Declaration is not the Way to it; and in all Aristotle’s Rhetoricks there is no such Argument of Persuasion*. The Earl of *Pembroke* thereupon telling him, ‘ That the Parliament had humbly besought his Majesty to come near them as aforesaid:’ His Majesty replied,

* London, printed for William Gage, 1642.

The Printer of this was questioned for it afterwards in the House of Lords; but upon his saying, That he had the Copy from the Lord-Keeper’s Clerk, he was dismissed.

plied, *He had learned by our Declaration that Words were not sufficient.* His Majesty being again moved by the Earl of Pembroke, to express what he would have, said, *He would whip a Boy in Westminster School that could not tell that by his Answer.* And further said, *They were much mistaken, if they thought his Answer to that a Denial.* And being asked by the said Earl of Pembroke, 'Whether the Militia might not be granted, as was desired by the Parliament, for a Time,' his Majesty swore *By God, not for an Hour; you have asked that of me in this, which was never asked of a King, and with which I will not trust my Wife and Children.*

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His Majesty added, *The Business of Ireland will never be done in the Way you are in. Four hundred will never do that Work; it must be put into the Hands of One. If I were trusted with it, I would pawn my Head to end that Work; and though I am a Beggar myself, yet, speaking with a strong Asseveration, I can find Money for that.*

The foregoing Answer being read, the Lords ordered the Attorney-General and his Counsel to be called in, and proceed in his Defence. Serjeant *Pheasant* desired to be excused from pleading in a Business which required so much Pains to attend, by reason of his bodily Infirmities; and the other, Serjeant *Green*, saying, That, being assigned so lately to this Business, he found it so intricate to be put in a Method, and the Records to be perused so many, that he could not, upon so short Warning, undertake to make the Defence: He therefore humbly craved their Lordships to excuse him then, and allow him some further Time to prepare himself for this Purpose.

But, upon Consideration of this, the Lords resolved to allow no longer Time; on which Mr. *Hearne*, another of the Attorney's Counsel, desired that the Impeachment might be read; which being done, he said, That, for the Matter of Fact, nothing appears by way of Charge, but the Exhibiting of the Articles; and that no Witness was produced, in all the Cause, to prove any Crime;

Farther Proceed-
ings in the Trial
of the Attorney-
General.

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that

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that there was but an Impeachment and a Denial; and no Act proved but what was confessed, which is the Exhibiting the Articles. He further alledged, That whereas the Attorney was charged to do the Fact maliciously, he did nothing but by the Command of the King, and knew not of the Articles untill they were delivered to him by his Majesty.

Next Mr. *Chute*, another of Mr. Attorney's Counsel, argued, ' That it was the Duty of the Attorney to prosecute the King's Causes, in all Courts of Record, when he shall be called, and be Assistant in all these Matters; to this Purpose he read the Attorney's Oath. Further he alledged, That the King's *Datum est nobis intelligi*, is Warrant enough to the Attorney to proceed against any Person, as in the Record of *Edward III. Rot. 38.* where *William*, Archbishop of *York*, upon *Datum est nobis intelligi*, was brought before the King and his Counsel, and prosecuted by the Attorney-General. He also urged the Reports of the Judges in the Earl of *Arundele's Case*, 1 & 2. *Caroli*, April 1626.

He said, ' That the Attorney-General is bound, by his Oath, to proceed in all Courts of Record, tho' the King gave him no Command; and that in Parliament he hath prosecuted a Commoner at large, as 31. of *Edward I. Rot. 22.* where *Nicholas de Segrave* was summoned, by the Sheriff of *Northampton*, to appear *Coram Domino Rege in proximo Parlamento suo, apud Westmonasterium primo Adventu Domini Regis, ibidem ad audiendam Voluntatem Domini Regis, super hiis quæ tunc ibidem proponere intenderet versus eum; et ad faciendum et recipiendum ulterius quod Curia Domini Regis consideraret in Premissis.* The said *Nicholas Segrave* appearing in Parliament, he was prosecuted for the King, and accused by *Nicholas de Warwick*, That he maliciously stirred up Discord and Contention against *John de Crumwell*, who was employed by the King in the War against the *Scots*. A Day being given to make Answer, *Segrave* submitted and acknowledged his Offence: Upon this the King desired the Advice of the Lords, what Punishment should be inflicted upon

upon *Segrave* for such a Fact, so fully and expressly confessed; the Lords gave this Judgment, That, for his Fault, he deserved to lose his Life; yet the King, out of his special Grace and Piety, remitted the Judgment of Life and Members; and ordered the said *Nicholas Segrave* to find seven good and sufficient Men to be Bail for him, Body for Body.

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In *epodem Rotulo*, the like Accusation was of *Nicholas de Kingston* and *Robert Archard*: Also 4 *Edward III. Rot. 7. N°. 16.* Sir *Thomas Berkeley* and *John Maltravers* were prosecuted in Parliament, for the Murder of King *Edward II.* and were tried and acquitted by a Jury. And 4. *Rot. 7. N°. 17.* *Rauf de Ferrers* was prosecuted in Parliament, upon Suspicion of Treason: So in the Parliament 17 *Richard II. N°. 20.* *Thomas Talbot*, Chevalier, was accused in Parliament, for conspiring the Death of two of the King's Uncles.

The Counsel having spoken concerning the Matter of Fact, Mr. Attorney made his own Defence to that which concerned the Matter of Privilege of Parliament; and cited the Case of *Philip Courtney*, 16. *Richard II. N°. 16*, and the Case of the Earl of *Arundele*, and his Remonstrations made therein, April 19, 2. *Caroli.* He also insisted, lastly, on the Case of the Earl of *Bristol*, the same Year. And concluded with observing, That he did not conceive any Thing urged against him could make up the Crime that he is charged with, but only the Vote, passed by both Houses, touching the Breach of the Privileges of Parliament; and so submitted himself to the Justice of that House.

Nothing more done in this Cause at this Time: But Sir *Thomas Beddingfield* and Sir *Thomas Gardiner*, on their humble Petition to the Lords, were released from the Tower.

March 15. The Lords were employed about *Irish Affairs*, &c. 'till this Day, when they again took the Cause of Mr. Attorney into Consideration,

Z 2

What

An. 17. Car. I. 1641. **What Judgment was to be given on the Impeachment of the House of Commons against him? After a long Debate, it was put to the Question,**

March.

The Lords Resolutions thereupon.

1. Whether, upon the whole Matter, Mr. Attorney had committed a Crime for which he ought to be sentenced by that House? Resolved in the Affirmative. ^d

2. Whether the Attorney-General, for his Offence, shall lose his Place? Resolved in the Negative. Against this Vote the following Lords enter'd their Dissent;

Earl of NORTHUMBERLAND - *Lord HASTINGS.*

BERLAND.

Lord WILLOUGHBY de Parham.

Earl of ESSEX.

Lord ST. JOHN.

Earl of LEICESTER.

Lord SPENCER.

Earl of WARWICK.

Lord PAGET.

Earl of HOLLAND.

Earl of BOLINGBROKE. *Lord GREY de Werk.*

Earl of STAMFORD. *Lord Roberts.*

3. Whether the Attorney-General shall pay a Fine to the King for his Offence? Resolved in the Negative; the same Lords, as above, dissenting.

4. Whether Mr. Attorney shall pay Damages for this Offence to the Parties that were accused?

5. Whether the Attorney shall be committed to the Tower for this Offence?

Both these were, also, resolved in the Negative; the same Lords still dissenting.

The Sentence, at last, agreed upon against Mr. Attorney, will appear in the Proceedings of the ensuing Month.

Several Votes of the Commons, for putting the Kingdom into a State of Defence, &c.

In the Afternoon of this Day, a Message was brought up from the House of Commons, to acquaint the Lords with some Votes that had passed their House; to which they desired their Lordships Concurrence, as those Votes were to be the Heads for a Declaration to be drawn up by a Committee: They were these: 1/2,

^d Lord Clarendon omits the First Resolution, which has led him into some very great Mistakes in his Remarks on the Proceedings against the Attorney-General: Mr. Rushworth has omitted all these Resolutions of the Lords, and Serjeant Wyld's Speech at opening the Evidence against him; as also the Attorney's and his Counsel's Defence at the Bar of the House of Lords.

1st, 'That the Kingdom hath been of late, and still is, in so evident and imminent Danger, from Enemies abroad, and from a Popish and discontented Party at home, that there is an urgent and inevitable Necessity of putting his Majesty's Subjects into a Posture of Defence, for the Safeguard both of his Majesty and his People.' The Lords agreed with the Commons in this Vote, the following Lords dissenting,

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Earl of BATH, Earl of NEWPORT,
Earl of SOUTHAMPTON, Lord DUNSMORE,
Earl of CLEVELAND, Lord CAPEL.

2^{dly}, 'That the Lords and Commons, fully apprehending this Danger, and being sensible of their own Duty to provide a suitable Prevention, have, in several Petitions, addressed themselves to his Majesty, for the ordering and disposing of the Militia of this Kingdom, in such a Way as was agreed upon by the Wisdom of both Houses to be the most effectual and proper for the present Exigencies of the Kingdom; yet could not obtain it, but his Majesty did several Times refuse his Royal Assent thereto.'

Agreed to by the Lords.

3^{dly}, 'That in case of extreme Danger, and of his Majesty's Refusal, the Ordinance agreed on by both Houses, for the Militia, doth oblige the People, and ought to be obeyed by the Fundamental Laws of this Kingdom.'

The Question being put, Whether the Judges should be heard, in point of Law, as to this Vote, it passed in the Negative; and, upon another Question, the said Vote was also agreed to. A Protest was entered, in Form, against the third Vote, and against the Resolution for not consulting the Judges; but it does no more than repeat the two Questions, and their Dissent from them. The Lord *Lovelace's* Name is the only additional one to those last mentioned.

4^{thly}, 'Resolved, upon the Question, That these shall be the Heads of a Declaration.'

Agreed to.

Z 3

5^{thly},

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Which are agreed
to by the Lords.

5thly; 'Resolved, That such Persons as shall be nominated Deputy-Lieutenants, and approved of by both Houses, shall receive the Commands of both Houses, and execute their Offices.'

Agreed to; the Earl of *Southampton* and Lord *Dunsmore* only dissenting.

These Votes of both Houses were ordered to be printed, and a Committee appointed to meet the next Day and draw up a Declaration upon them.

The same Day Sir *William Lewis* reported the Commons Answer to the King's Reply, concerning Mr. *Pymme's* Speech relating to Passes into *Ireland*; which was agreed to, and ordered to be sent to his Majesty, by Lord *Compton* and Mr. *Baynton*; as follows :

May it please your Majesty,

The Commons
Answer to the
King's Reply.
about Mr.
• *Pymme's* Speech.

YOUR Majesty's most humble and faithful Subjects, the Knights, Citizens and Burgesses of the Commons House of Parliament, having considered your Majesty's Reply to their Answer, touching such Persons as have been licensed by your Majesty to pass into *Ireland*, do most humbly beseech your Majesty to believe, That they shall always, with Thankfulness and Joy, receive from your Majesty any satisfactory Answer to their just Requests : And, as they hope they shall find in your Majesty a Readiness to rectify those Things, which have been done to their Prejudice, so will they be careful to remove all Apprehensions of their Actions or Speeches, which may seem to cast any Dishonour upon your Majesty.

For your Majesty's better Satisfaction concerning the positive Affirmation, *That many of the chief Commanders, now in the Head of the Rebels, (after the Ports were stopped by Order of both Houses) have been suffered to pass by your Majesty's immediate Warrant* : May it please your Majesty to consider, That, herein, they have affirmed

no-

‘ nothing but what they had Cause to believe was An. 17. Car. I.
 ‘ true ; the Grounds whereof they humbly present 1641.
 ‘ to your Majesty. }
 March

‘ The *first* Ground is this, That both Houses
 ‘ of Parliament, (having, upon your Majesty’s Re-
 ‘ commendation, taken into their Care the Suppres-
 ‘ sion of the Rebellion in *Ireland*) had Reason to be
 ‘ especially watchfull over the Ports ; because the
 ‘ Rebels, abounding in Numbers of Men for the
 ‘ most Part ignorant of the Use of Arms, could by
 ‘ no Means become dangerous or formidable to this
 ‘ Kingdom, but by the Access of Soldiers and Com-
 ‘ manders ; wherewith they were like to be furnish-
 ‘ ed either out of *France* or *Flanders* ; from both
 ‘ which Places the Passage into *Ireland* is speedy
 ‘ and easy through this Kingdom : And therefore
 ‘ they could not chuse but be very sensible of what-
 ‘ soever gave Liberty or Opportunity to such a Pas-
 ‘ sage, as of a very hurtful and dangerous Grie-
 ‘ vance ; for Prevention whereof they did, upon
 ‘ the seventh of *November*, agree upon an Order,
 ‘ and restrain all Passage into *Ireland*, but upon due
 ‘ and strict Examination, by such Persons as were
 ‘ trusted to make those Licences.

‘ A *second* Ground that the other Licence, grant-
 ‘ ed to the Lord *Delvin*, and then acknowledged
 ‘ by your Majesty’s Answer, was such, (both in re-
 ‘ gard of the Persons to whom they were granted,
 ‘ and the Extent of the Words in which they were
 ‘ granted) as were apt to produce such an Effect
 ‘ as is mentioned in that positive Affirmation ; that
 ‘ is, *To open a Way for the Passage of Papists and*
 ‘ *other dangerous Persons to join with the Rebels,*
 ‘ *and to be Heads and Commanders amongst them,*
 ‘ is thus proved.

‘ The first Warrant granted to Colonel *Butler*
 ‘ (since the Order of Restraint by both Houses of
 ‘ Parliament) did extend to all Ports of *England* and
 ‘ *Scotland* ; and did give free Passage to himself and
 ‘ to his Company, without any Qualification of
 ‘ Persons, or Limitation of Number ; and this Colo-
 ‘ nel was himself a Papist, had a Brother in the
 ‘ Re-

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Rebellion, and General of the Rebels in *Munster*; was expected, and very much desired, by those Rebels, who, for a long Time, had kept a Regiment to be commanded by him, as we have been credibly informed.

The second was granted to a Son of the Lord *Netterville*, which Lord had four Sons in *England* since the Rebellion; one of which is settled in *England*, three others intended to pass into *Ireland*, and were all dangerous Persons, being Papists, bred in the Wars in the Service of the King of *Spain*, and one of them lately become a Jesuit.

The third, to the Lord *Delvin*, extends to himself and four Persons more unnamed; that one of those, who should have past with him, is taken to be a Jesuit; and another, who calls himself *Pluncket*, seems to be a Man of some Breeding and Quality, and like to have been serviceable to the Rebels, and to have done Mischief, if he had gone over.

The fourth to Sir *George Hamilton* and three more unnamed; this Gentleman is likewise a profess'd Papist, and may be doubted to be of the Party of the Rebels; one of that Name being mentioned in the Instructions of *Sempil*, the Jesuit, amongst divers other dangerous Persons of the Popish Party in *Scotland* and *Ireland*; which Instructions were found in a Ship stayed in *Cornwall*, which was going into *Ireland* with divers Jesuits, Soldiers, and others, for the Encouragement of the Rebels.

A third Ground is this, That, by Virtue and Authority of these Licences, several Persons have passed over, which now are in actual Rebellion, and have Command amongst the Rebels; which is thus proved:

One Captain *Sutton* did, by Virtue and Authority of your Majesty's Licence, embark at *Whitehaven*, in the Company of Colonel *Butler*, and was driven back by foul Weather; whereupon the Colonel stayed, and went to *Chester*; but that Captain re-embarked himself in the same Bottom,

from

‘ from whence he passed into *Ireland*, where he
 ‘ went into the Rebellion with the Lord *Dunsany*;
 ‘ and hath since obtained the Place of a Colonel
 ‘ amongst the Rebels, as we are credibly informed,
 ‘ Two of the Sons of the Lord *Netterville*, one
 ‘ a Jesuit, and the other a Soldier, passed into *Ire-*
 ‘ *land*, in *December* last; both of them by Virtue
 ‘ of your Majesty’s Warrant, as we have Cause to
 ‘ believe, for that they went both together in one
 ‘ Ship; and the Licence, acknowledg’d to be grant-
 ‘ ed by your Warrant, must needs be granted to one
 ‘ of them; seeing the other Brother, who lately en-
 ‘ deavoured to pass over, did produce no Licence,
 ‘ and upon his Examination doth absolutely deny
 ‘ that he had any.

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‘ A fourth Ground, which we humbly offer to
 ‘ your Majesty, is this, That your Majesty cannot
 ‘ be assured that no other did pass upon your Li-
 ‘ cence, as your Majesty doth conceive, and are
 ‘ pleased to express in your Answer; and that we
 ‘ had great Cause to believe that divers others had
 ‘ passed over by your Warrant, besides the Persons
 ‘ aforementioned; and that for these Reasons:

1st, ‘ Because we received such a general Infor-
 ‘ mation, That divers, now in the Head of the Re-
 ‘ bels, were passed by your Majesty’s Licence; which
 ‘ being true in Part, and easy to be effected, in re-
 ‘ gard of the Nature and Extent of the Warrants;
 ‘ and probable to be attempted, in regard of the
 ‘ Subtilty and Vigilancy of that Party to make use
 ‘ of all Advantages, seemed to deserve Credit;
 ‘ which we should not have given to it, if it had
 ‘ been a naked Information without such Circum-
 ‘ stances.

2^{dly}, ‘ Because we had concurring Advertise-
 ‘ ments from *Ireland* and *Chester*, that divers Priests,
 ‘ Jesuits, and Popish Commanders had passed over,
 ‘ and were landed there; and particularly some of
 ‘ Colonel *Butler*’s Company; and that the Officers
 ‘ of the Ports had kept no Entry of the Names of
 ‘ these Persons, or of the Warrants by which they
 ‘ were transported.

‘ These

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‘ These, we hope, will be sufficient to persuade
 ‘ your Majesty to believe, That as we had some
 ‘ Cause to give Credit to the said Informations, so
 ‘ we had no Intention to make any ill Use of them
 ‘ to your Majesty’s Dishonour; but did impute the
 ‘ Blame to your Ministers, who might have been
 ‘ more careful to have informed your Majesty of
 ‘ the Quality of those Persons named in your Li-
 ‘ cences; and so to have limited them, that they
 ‘ might not have extended to others, as they did,
 ‘ how many and dangerous soever.

‘ And they pray your Majesty to rest assured,
 ‘ That they shall always be tender of your Honour
 ‘ and Reputation with your good Subjects; and,
 ‘ for this Cause, have made this true Declaration of
 ‘ the full State of this Matter, that they may think
 ‘ no otherwise of it than the Truth; and, in all
 ‘ Things, shall labour to establish a good Under-
 ‘ standing and Confidence betwixt your Majesty
 ‘ and your People, which they heartily desire and
 ‘ pray for, as the chiefest Means of preserving the
 ‘ Honour, Safety, and Prosperity of your Majesty,
 ‘ and your Kingdoms.’

March 16. This Day the Lord-Keeper deliver’d
 to the House a Letter, directed to himself, and a
 Message in it, from the King to the Lords, dated
 from *Huntingdon, March 15*; which was read in
hæc Verba:

The King’s Mes-
 sage from Hun-
 tingdon, relating
 to Ireland, the
 Militia, &c.

HIS Majesty being now in his Remove to his City
 of York, where he intends to make his Residence
 for some Time, thinks fit to send this Message to both
 Houses of Parliament:

That he doth, very earnestly, desire that they will
 use all possible Industry in expediting the Business of
 Ireland, in which they shall find so chearful a Concur-
 rence by his Majesty, that no Inconvenience shall hap-
 pen to that Service by his Absence; he having all that
 Passion for the reducing of that Kingdom, which he
 hath expressed in his former Messages; and being un-
 able, by Words, to manifest more Affection to it, than he

he hath endeavoured to do by these Messages; having likewise done all such Acts as he hath been moved unto by his Parliament: Therefore, if the Misfortunes and Calamities of his poor Protestant Subjects there shall grow upon them, (though his Majesty shall be deeply concerned in, and sensible of, their Sufferings) he shall wash his Hands before all the World, from the least Imputation of Slackness in that most necessary and pious Work.

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And that his Majesty may leave no Way unattempted, which may beget a good Understanding between him and his Parliament; he thinks it necessary to declare, That as he hath been so tender of the Privileges of Parliament, that he hath been ready and forward to retract any Act of his own, which he hath been informed hath trenchd upon their Privileges; so he expects an equal Tenderness in them of his Majesty's known and unquestionable Privileges, which are the Privileges of the Kingdom; amongst which, he is assured, it is a Fundamental one, That his Subjects cannot be obliged to obey any Act, Order, or Injunction, to which his Majesty hath not given his Consent: And therefore he thinks it necessary to publish, That he expects, and hereby requires, Obedience, from all his loving Subjects, to the Laws established; and that they presume not, upon any Pretence of Order or Ordinance to which his Majesty is no Party, concerning the Militia, or any other Thing, to do or execute what is not warranted by those Laws; his Majesty being resolved to observe all the Laws Himself, and to require Obedience to them from all his Subjects.

And his Majesty once more recommends to his Parliament the Substance of his Message of the 20th of January last, That they compose and digest, with all Speed, such Acts, as they shall think fit, for the present and future Establishment of their Privileges; the free and quiet enjoying their Estates and Fortunes; the Liberties of their Persons; the Security of the true Religion now professed in the Church of England; the maintaining his Majesty's Regal and Just Authority, and settling his Revenue; his Majesty being most desirous to take all fitting and just Ways, which may beget

An. 17. Car. I. *beget a happy Understanding between him and his Parliament, in which he conceives his greatest Power and Riches do consist.*

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The Lords, taking this Message into Consideration, ordered, That it should be communicated to the House of Commons at a Conference; which being done accordingly,

Lord Roberts's
Report of a Con-
ference held
thereupon.

Mr. *Denzil Holles* made the following Report: 'That the Lord *Roberts*, who was appointed by the Lords for that Purpose, said, That he was commanded, by the Lords, to deliver what is their Sense of this Message; and to represent their Observations.

1. 'Concerning the Militia; the Lords do still insist upon the Declaration of both Houses, notwithstanding any Thing expressed in this Message.

2. 'The Lords made some Observations out of the Matter of the Message, and out of the Circumstances of Time and Place.

'For the King's Removal, so far as *York*, from the Parliament; and the great Inconveniency that should happen thereby to the Kingdom of *Ireland*, by reason of his Absence; the Lords taking it into Consideration, do conceive his Majesty's removing so far as *York*, must, of Necessity, be an Obstruction, and may be a Destruction of that Kingdom.

'The next Particular out of the Message is, concerning the Privilege of Parliament, and the Laws of the Land: The Lords are of Opinion, That when the Parliament, which is the Supreme Court of this Kingdom, shall declare what the Law of the Land is, to have that not only questioned and controverted, but contradicted, and a Command that it should not be obeyed, is a Breach of the Privilege of Parliament.

'The next Observation they had, was, from the Time, and Place: For by comparing this with the Votes that passed both Houses Yesterday, it is, as it were, a Contradiction of those Votes: They do either think there was some propheticall Spirit in it, that this should be so express an Answer to those Votes, or that it was framed nearer hand:

And

And therefore desire, that it may be referred to a Committee to examine the same.' ^{An. 17. Car. I. 1641.}

Soon after the Lords sent for *Francis Taylor*, the Messenger, and asked him of whom he had the Letter he brought from the King; he said, he had the Letter from a Servant of the Lord *Falkland*, Secretary of State, last Night, at Nine o'Clock, and he brought it and delivered it to the Lord-Keeper.

March.

Then the Bill *For clearing the Lord Kimbolton and the five Members from a feign'd Charge of High Treason*; also another Bill *For raising Money for the great Affairs of the Kingdoms of England and Ireland*, was read a third Time by the Lords, and passed.

'Ordered, That the Clerk of the Crown, in Chancery, do forthwith draw up two Commissions, and prepare them ready for the Great Seal, for his Majesty's Royal Assent to be given to these two Bills.

March 17. The Commons sent up a Message to the Lords, by Mr. *Denzil Holles*, That they had taken into serious Consideration the Matter of the last Conference, and the King's last Message; That they had also passed some Votes concerning their Sense of the same, to which they desired their Lordships Concurrence, viz.

'Resolved, That this House shall insist upon their former Votes concerning the Militia. ^{Votes of the Commons in consequence thereof,}

'Resolved, That the King's Absence, so far remote from his Parliament, is not only an Obstruction, but may be a Destruction, to the Affairs of Ireland.

'Resolved, That when the Lords and Commons in Parliament, which is the Supreme Court of Judicature in the Kingdom, shall declare what the Law of the Land is, to have This not only questioned and controverted, but contradicted, and a Com-

^r Lord *Clarendon* observes, 'That he never knew both Houses in more Choler and Rage, than upon receiving this Message; which came so early to them, that they concluded that it could not be sent from the King, but that it had been inserted in Blanks left in the Town for such Purposes.'

An. 17. Car. 1. Command: that it should not be obeyed, is a high Breach of the Privilege of Parliament.

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“*Resolved*, That a Committee shall be appointed by this House to join with a Committee of the Lords, to inquire where this Message was framed.

“*Resolved*, That those Persons that advised his Majesty to absent himself from the Parliament, are Enemies to the Peace of this Kingdom, and justly to be suspected to be Favourers of the Rebellion in Ireland.

“*Resolved*, That those Persons that advised his Majesty to this Message are Enemies to the Peace of this Kingdom.”⁹

Which are agreed to by the Lords.

All these Votes were agreed to by the Lords.

March 18. The Lords made several Orders about the Contribution-Money for Ireland, and several private Causes were entered into. A Message came up from the House of Commons, desiring their Lordships to sit a-while, for they should have Occasion to come up to them about a Business of Importance. The Lords consented; but, after waiting some Time in Expectance, they sent a Message to the Commons, That they had sat a-while, but had then adjourned till the next Morning, at Nine o’Clock.

March 19. It was not till the Afternoon of this Day, that a Message was brought up from the House of Commons, desiring a Conference about an Answer to the King’s last Message from Newmarket; as, also, concerning some Informations the Commons had received, touching the Affairs of the Kingdom. This Conference being held, the Lord-

Keeper

⁹ In *Husbands’s* and *Rushworth’s Collections*, the following Words, *justly to be suspected to be Favourers of the Rebellion in Ireland*, are added to the last Resolution as well as to that foregoing; but it appears by the *Journals* of the 17th, That the Commons resolved to strike these Words out of the Resolution relating to the Advisers of the King’s Message; and finding some false Copies had been printed, they gave Orders for the printing a true Copy, under the Care of a Committee, and desired the House of Lords to take the same Precaution.—Probably this Alteration was made in the last Vote, out of Respect to the Lord Falkland, then Secretary of State; who seems to have been the Penman of the King’s Message;

Keeper reported it back to the Lords, to this Effect: An. 17. Car. I.

‘ That the House of Commons had received several Informations from abroad, concerning a Design to invade *England*, the Letters of which were read, importing, That the Lord *Digby* had got together 30 or 40,000 Men, at *Elfseneur*, in *Denmark*, and a Fleet of Ships ready to convey them to *Hull*. This Information was given abroad by one *James Henley*, a Master of a Ship, who said he was treated with to serve as Pilot to this Fleet.

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Report of a Conference concerning some Informations touching an Invasion of *England*, &c.

‘ The next Information was from a *Frenchman*, who was Servant to Monf. *Freeze*, Son to the Lord Chancellor of *Denmark*, who said, That he came lately from *Denmark*, and heard there of Levies of Men; and at *Hamburg* he heard, that those Levies were designed for *England*.

‘ The Commons offered these concurrent Proofs to make the Information more considerable.

First, ‘ The Endeavours to have put the Earl of *Newcastle* into *Hull*, and his coming thither under a feigned Name.

Next, ‘ The Expressions in Lord *Digby*’s Letters; and his Majesty’s withdrawing himself into those Parts, notwithstanding the Advice of his Parliament.

‘ To this the Commons added another Information they had received, concerning a *French Fleet* going for *Ireland*, from another Master of a Ship, who met them steering that Way.

‘ These were some Materials for their Fears, and a further Cause for a Continuance of their Distractions and Jealousies, and of pursuing the Course already agreed on, for securing the Kingdom, and putting the Subjects in a Posture of Defence.

‘ It was further delivered at this Conference, That a Message, with all Speed, be sent to his Majesty, to answer some Things in his late Speech to the Committee of Lords and Commons, at *Newmarket*, which seem to reflect upon the Honour of both Houses; to intimate to him the Contents of those Advices received out of *Holland*; and to renew the Desires of both Houses for his Majesty’s Return to his Parliament.

Also

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Propositions of
the Commons
relating to *Hull*
and the North-
ern Counties.

‘ Also the House of Commons desired their Lordships Concurrence to the following Propositions :

First, ‘ That a Command of both Houses be sent to *Hull*, by Express, to the Governor there to suffer no foreign Ships to come into that Harbour, without strict Examination; and that he receive no *English*, or other Forces into that Town, but such as both Houses shall advise or direct him to receive, and keep that Town for his Majesty’s Service, and the Security of the Kingdom.

‘ The next Proposition related to giving Instructions to the Lord-Admiral to take special Care to guard the Seas; to search all Ships passing between *Holland* and *Hull*; and to enquire what Preparations of Land or Sea Forces are making at *Elfinour*.

‘ *Lastly*, The Lord-Lieutenants and High-Sheriffs of the Northern Counties were to be ordered, from both Houses, to suppress all Forces which shall be raised in those Parts without the Direction of Parliament; and to take special Care of *Newcastle*, *Hull*, and other Towns on those Coasts.

‘ Then was reported a Letter, without a Name, dated, *Newmarket*, *March* 8, 1641, sent to Mr. *Pymme*, intimating, That the Navy will be treacherous to the Parliament; that Forces will be sent out of *France* into *Ireland*; that Declarations from the King will be printed of the Grievances of Parliament; and that some of the Members of the House of Commons betray all their Doings, and send the King the Heads of their Intents and Resolutions.’

This Report being ended, the Lords took it into Consideration; and, after a serious Debate, the Commons Answer to the King’s last Message was read and agreed to; the Earl of *Bath*, with the Lords *Mowbray*, *Grey*, *Dunsmore*, and *Capel* dissenting.

The first Proposition concerning Sir *John Hotham*’s not admitting Forces into *Hull*, was objected to, because of these Words, *Without the Advice or Direction of both Houses of Parliament*; and it was re-

resolved to propose that it should run, *Without the An. 17. Car. 1.*
King's Authority signified by both Houses of Parlia-
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The *second* Proposition was wholly agreed to, and ordered accordingly.

To the *third*, That the Lieutenants and Sheriffs should take Care to suppress Insurrections, &c. it was resolved to be put to the Commons, Whether it was not a Weakening to a former Order of both Houses, given to Sheriffs, &c. for suppressing unlawful Assemblies.

Resolved to have another Conference with the Commons about these Emendations.

The House of Commons sent up, by Sir *John Colepeper*, Chancellor of his Majesty's *Exchequer*, a Bill of Subsidy of Tonnage and Poundage, &c. on Merchandize imported or exported; which the Lords read a first Time.

The same Day the King's Commission was read for passing one Bill, intituled, *An Act for the speedy and effectual reducing of the Rebels in his Majesty's Kingdom of Ireland*; when the Commons being sent for, the Royal Assent was given with the usual Ceremonies. This Act respected the Adventurers, in that Kingdom, already mentioned.

March 21. This Day the Conference was held about the late Propositions, when the Commons would not agree with the Lords in the Alteration of that about *Hull*; but adhered to the first. As to the other about Sheriffs, the Commons conceived it was no Weakening of their former Order: But to make it clearer, a Letter might be writ to that Which the Lords Effect to the Lord-Lieutenants and the Sheriffs: at length agree Upon which the Lords agreed to all as they were^{to} first proposed.

Mr. *Glynne*, one of the Committee on the Bill against the Bishops, made a Report of it to the House, on which they came to the following Resolutions:

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Resolutions of
the Commons a-
gainst the im-
peach'd Bishops.

'Resolved, &c. That a Question shall be put upon every particular Bishop.

'Resolved, &c. That, by this Bill, the Archbishop of York shall not forfeit the Inheritance of his Temporal Estate.'

The like Question was put upon *Thomas Bishop of Durham*, and so, severally, on all the rest, and resolved negatively. But, upon another Question, Whether the Archbishop and the rest, separately, should, by that Bill, forfeit the Profits and Issues of their Temporal Estates, Freehold Lands, and Lands of Inheritance, during their Lives? it was carried in the Affirmative.

'Resolved, That the Archbishop of York shall be allowed 100 *l. per Annum*.

March 22. The following Message, to be sent to the King, from both Houses, was this Day read by the Lords, and agreed to, and ordered to be presented to the King, by a Committee of both Houses.

May it please your Majesty,

Answer of both
Houses to the
King's last Mes-
sage from *New-*
market.

Your Majesty's most loyal Subjects, the Lords and Commons in Parliament, cannot conceive that the Declaration which your Majesty received from us at *Newmarket*, was such as did deserve that Censure your Majesty was pleased to lay upon us, in that Speech which your Majesty made to our Committees there, and sent in Writing to both Houses: Our Address therein, being accompanied with Plainness, Humility, and Faithfulness, we thought more proper for the removing the Distractions of the Kingdom, than if we had then proceeded according to your Majesty's Message of the twentieth of *January*; by which your Majesty was pleased to desire, That we would declare what we intended to do for your Majesty, and what we expected to be done for ourselves: In both which we have been very much hindered by your Majesty's Denial to secure us and the whole Kingdom, by disposing the Militia, as we had divers Times most humbly petition'd; and yet we have

‘ have not been altogether negligent of either, having lately made good Proceedings in preparing a Book of Rates to be pass’d in a Bill of Tonnage and Poundage, and likewise the most material Heads of those humble Desires, which we intended to make to your Majesty, for the Good and Contentment of your Majesty and your People : But none of these could be perfected before the Kingdom be put into Safety, by settling the Militia ; and untill your Majesty shall be pleased to concur with your Parliament in those necessary Things, we hold it impossible for you to give the World, or your People, such Satisfaction concerning the Fears and Jealousies which we have expressed, as we hope your Majesty hath already received, touching that Exception which you were pleased to take to Mr. *Pymme’s* Speech.

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‘ As for your Majesty’s Fears and Doubts, the Ground whereof is from seditious Pamphlets and Sermons, we shall be as careful to endeavour the Removal, as soon as we shall understand what Pamphlets and Sermons are by your Majesty intended, as we have been to prevent all dangerous Tumults : And if any extraordinary Concourse of People, out of the City of *Westminster*, had the Face and Shew of Tumult and Danger, in your Majesty’s Apprehension, it will appear to be caused by your Majesty’s Denial of such a Guard to your Parliament, as they might have Cause to confide in ; and by taking, into *Whitehall*, such a Guard for yourself, as gave just Cause of Jealousy to the Parliament, and of Terror and Offence to your People.

‘ We seek nothing but your Majesty’s Honour, and the Peace and Prosperity of your Kingdoms ; and we are heartily sorry we have such plentiful Matter of an Answer to that Question, *Whether you have violated our Laws ?* We beseech your Majesty to remember, that the Government of this Kingdom, as it was in a great Part managed by your Ministers, before the Beginning of this Parliament, consisted of many continued and multiplied Acts of Violation of Laws ; the Wounds

A a 2

‘ whereof

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‘ whereof were scarcely healed, when the Extremity
 ‘ of all those Violations was far exceeded by the
 ‘ late strange and unheard-of Breach of our Laws,
 ‘ in the Accufation of the Lord *Kimbolton* and the
 ‘ five Members of the Commons House, and in the
 ‘ Proceedings thereupon; for which we have yet
 ‘ received no full Satisfaction.

‘ To your Majesty’s next Question, *Whether you*
 ‘ *had denied any Bill for the Ease and Security of*
 ‘ *your Subjects?* We wish we could stop in the
 ‘ Midst of our Answer, That with much Thank-
 ‘ fulness we acknowledge that your Majesty hath
 ‘ passed many good Bills, full of Contentment and
 ‘ Advantage to your People; but Truth and Ne-
 ‘ cessity inforce us to add this, That, even in or
 ‘ about the Time of passing those Bills, some De-
 ‘ sign or other hath been on Foot, which, if it had
 ‘ taken Effect, would not only have depriv’d us of
 ‘ the Fruit of those Bills, but have reduced us to a
 ‘ worse Condition of Confusion than that wherein
 ‘ the Parliament found us.

‘ And if your Majesty had asked us the third
 ‘ Question intimated in that Speech, *What we have*
 ‘ *done for yourself?* Our Answer would have been
 ‘ much more easy; That we have paid two Armies,
 ‘ wherewith the Kingdom was burden’d last Year;
 ‘ and have undergone the Charge of the War in
 ‘ *Ireland*, at this Time; when, thro’ many other
 ‘ excessive Charges and Pressures, your Subjects
 ‘ had been exhausted, and the Stock of the King-
 ‘ dom very much diminished: Which great Mis-
 ‘ chiefs, and the Charges thereupon ensuing, have
 ‘ been occasioned by the evil Counsels, so powerful
 ‘ with your Majesty, which have, and will, cost this
 ‘ Kingdom more than two Millions; all which, in
 ‘ Justice, ought to have been borne by your Majesty.

‘ As for the *free and general Pardon*, your Ma-
 ‘ jesty hath been pleased to offer, it can be no Secu-
 ‘ rity to our Fears and Jealousies, for which your
 ‘ Majesty seems to propound it; because they arise
 ‘ not from any Guilt of our own Actions, but from
 ‘ the evil Designs and Attempts of others.

‘ To

* To this our humble Answer to that Speech, we An. 17. Car. I.
 * desire to add an Information, which we lately re- 1641.
 * ceived from the Deputy-Governor of the Mer- March.
 * chant-Adventurers at *Rotterdam*, in *Holland*,
 * That an unknown Person, appertaining to the
 * Lord *Digby*, did lately solicit one *James Henley*,
 * a Mariner, to go to *Elfsneur*, and to take Charge
 * of a Ship in the Fleet of the King of *Denmark*,
 * there prepared, which he should conduct to *Hull*;
 * in which Fleet likewise, he said, a great Army
 * was to be transported: And although we are not
 * apt to give Credit to Informations of this Nature,
 * yet we cannot altogether think it fit to be neglect-
 * ed, but that it may justly add somewhat to the
 * Weight of our Fears and Jealousies; considering
 * with what Circumstances it is accompanied;—
 * of the Lord *Digby's* preceding Expressions, in a
 * Letter to her Majesty, and Sir *Lewis Dives*;—and
 * your Majesty's succeeding Course of withdrawing
 * yourself Northward from your Parliament, in a
 * Manner very suitable to, and correspondent with,
 * that evil Counsel; which we doubt will make
 * much deeper Impression in the Generality of your
 * People: And, therefore, we most humbly advise
 * and beseech your Majesty for the Procuring and
 * Settling the Confidence, both of your Parliament
 * and all your Subjects, and for the other Reasons
 * concerning the Recovery of *Ireland* and Security
 * of this Kingdom, which have been formerly pre-
 * sented to your Majesty, that you will be graciously
 * pleased, with all convenient Speed, to return to
 * these Parts, and to close with the Counsel and
 * Desire of your Parliament; where you shall find
 * their dutiful Affections and Endeavours ready to
 * attend your Majesty, with such Entertainment as
 * shall not only give your Majesty just Cause of Se-
 * curity in their Faithfulness, but other manifold
 * Evidences of their earnest Intentions and Endea-
 * vours to advance your Majesty's Service, Honour,
 * and Contentment; and to establish it upon the
 * sure Foundation of the Peace and Prosperity of all
 * your Kingdoms.'

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Orders of both
Houses concern-
ing Hull,

Another Order about *Hull*, sent up by the Commons, was read and agreed to by the Lords, much to the same Purpose, but stronger than the former: 'The Governor, Sir *John Hotham*, was to take Care no foreign Ships should enter that Port, without strict Examination of their Strength, Burden, &c. No *English*, or other Forces whatsoever, to be suffered to enter, but those already appointed to be the Garrison there; and such other as, by the Wisdom and Authority of both Houses of Parliament, shall be advised and directed to be received and kept, for the better Guard and Defence of the Town and Magazine therein remaining, for his Majesty's Service and the Security of the Kingdom. In the doing whereof the Mayor of the said Town, and all other his Majesty's Officers and Subjects, were commanded to be aiding and assisting to the said Governor, as they would answer the contrary at their Peril.'

The same Day, *March 22*, the Commons sent up to acquaint the Lords with a Vote which they had passed, and to which they desired their Lordships Concurrence, viz. 'That when the Lords and Commons in Parliament shall declare what the Law of the Land is: To have this not only questioned and controverted, but contradicted, and a Command given that it be not obeyed, is a high Breach of the Privilege of Parliament.' To this the Lords agreed; as they could do no less, since they had before given their Opinion, almost in the very same Words, at the Conference occasioned by the King's Message from *Huntingdon*.

And the Lieutenants of the Militia,

Next, several Orders of the House of Commons were read concerning the Lord-Lieutenants of the Counties, and their new Ordinance about the Militia. The Commons desired to know if the old Lord-Lieutenants had brought in all their Commissions, as was formerly ordered by both Houses. The Names of the Deputy-Lieutenants to be taken, and sent to the Commons for their Approbation, &c.

Agreed to by the Lords,

The

The Lord-Admiral gave in a Paper of an Information he had got, by sending a discreet Person on the Coast of *France*, to discover the Number of their Ships of War and Land Forces in their several Ports; by which it appeared there were some Preparations making of Men and Shipping; but to what Purpose, the Informant said not.

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March 23. There had been a Bill sent up by the Commons, intituled, *An Act for asserting of some Privileges, lately broken, and to prevent the Breaking thereof in Time to come*: It was this Day debated in the House of Lords a long Time; and, after the Debate, it was recommitted to consider further of it, and report the same to the House.

The Lords making an Order 'That the Archbishop of *Canterbury* should confer the Presentation of *St. Leonard's, Foster-Lane*, according to a former Order, upon *George Smith*, Clerk; upon that Occasion it was moved, That, considering the Power the Archbishop of *Canterbury* hath in Ecclesiastical Matters, whereby the Church is still troubled, notwithstanding his Imprisonment; the House of Commons should be sent to, to be desir'd that they would proceed to make good their Impeachment of High Treason against him, that so he might receive Judgment according to his Demerit: Also to move the Commons, that they would proceed against the rest of the Delinquents with all convenient Speed.

The Trial of the
Archbishop of
Canterbury, &c.
ordered to be
hastened.

The Messengers sent with this Message to the Commons, return'd with this Answer, 'That they would proceed with all those that are impeached by that House with all convenient Speed.' But this Answer was immediately followed by a Message, sent by the Commons, importing, 'That whereas their House formerly brought up a Declaration, containing the Causes of Grievances, with some Remedies proposed for curing the same, they desire their Lordships would please to take it into speedy Consideration, and join with the House of Commons

An. 17, Car. 1. mons therein; it being a Matter of great Importance.
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The Commons also desired, That the Judges might be proceeded against, who are impeached by them, and that their Lordships would please to appoint a Day for the same, and the Commons would be ready to make good their Charge against them. On this the Lords ordered that the Report of the Declaration of Grievances, &c. should be made the next Morning; and that the Judges should put in their Answers to the Impeachment on the 31st Instant.

March 24. The Lord Compton reported, That, according to the Command of the Commons, he and Mr. Baynton did attend his Majesty at York; that they arrived there on Saturday last, and presented his Majesty with the Reply of that House, concerning the Passage in Mr. Pymme's Speech, touching some Commanders now in the Head of the Rebels, &c. and received his Majesty's Answer, in Writing, on Monday Morning; which was read, and was in hæc Verba:

The King's Answer to the Commons Reply concerning a Passage in Mr. Pymme's Speech;

HIS Majesty hath seen and considered the Message, presented to him by the Lord Compton and Mr. Baynton, the nineteenth of March, 1641, at York, touching such Persons as have been licenced by his Majesty to pass into Ireland.

Though he will not insist upon what little Reason they had to suspect, that some ill-affected had passed into Ireland, under Colour of his Majesty's Licence, Inferences being slender Proofs to ground Belief upon; yet he must needs avow, that, for any Thing that is yet declared, he cannot see any Ground, why Mr. Pymme should so boldly affirm, before both Houses of Parliament, That, since the Stop upon the Ports, by both Houses, against all Irish Papists, many of the chief Commanders now in the Head of the Rebels, have been suffered to pass, by his Majesty's immediate Warrant; for as yet there is not any particular Person named, that is now so much as

in Rebellion, much less in the Head of the Rebels, to whom his Majesty hath given Licence: And therefore, according to his Majesty's Reply upon that Subject, his Majesty expects, that his House of Commons publish such a Declaration, whereby this Mistaking may be cleared; that so all the World may see his Majesty's Caution in giving of Passes; and likewise that his Ministers have not abused his Majesty's Trust, by any surreptitious Warrant.

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And, lastly, his Majesty expects, that henceforth there be more Wariness used, before such public Aspersions be laid; unless the Grounds be before-hand better warranted by sufficient Proofs.

The Lords had petitioned the King to remove Sir John Pennington from being Commander of the Fleet, to which he return'd this Answer, viz. As also to the *That his Majesty sees no Reason why he should give Way to the Alteration of him, who was first made Choice of by the Lord-Admiral, for that Charge, and approved of by himself: Therefore his Majesty cannot, in Honour and Justice, appoint any other for that Charge than Sir John Pennington; of whose Ability and Integrity his Majesty hath had so long and good Experience.*

Lords Petition,
for the Removal
of Sir John Pennington from the
Command of the
Fleet;

The Earl of Warwick was the Person nominated to the King for that Trust, by the Lords; who, when they received this Message, sent it down to the Commons, with a Desire that both Houses should join in a Petition to the King, That the said Earl might command in Chief, in this Summer's Fleet, and to present what Reasons are thought proper for the Purpose.

The Lord-Keeper acquainted the Houses, That he had received a Letter from the King, dated at York, March 21, 1641, with a Declaration inclosed, in Answer to that from the Parliament, presented, at Newmarket, the ninth Instant; both which he was commanded to communicate to their Lordships. The Declaration run in these Words:

Though

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And to the Parliament's Declaration, presented to him at Newmarket.

Though the Declaration, lately presented to us at Newmarket, from both our Houses of Parliament, be of so strange a Nature, (in respect of what we expected, after so many Acts of Grace and Favour to our People) and some Expressions in it so different from the usual Language to Princes, that we might well take a very long Time to consider of it; yet the Clearness and Uprightness of our Conscience to God, and Love to our Subjects, hath supplied us with a speedy Answer; and our unalterable Affection to our People prevailed with us to suppress that Passion, which might well enough become us upon such an Invitation.

We have reconsidered our Answer of the second of this Month at Theobalds, which is urged to have given just Cause of Sorrow to our Subjects. Whosoever looks over that Message, (which was in Effect to tell us, that if we would not join with them, in an Act which we conceived might prove prejudicial and dangerous to us and the whole Kingdom, they would make a Law without us, and impose it upon our People) will not think that sudden Answer can be excepted to.

We have little Encouragement to Replies of this Nature, when we are told of how little Value our Words are like to be with you, though they come accompanied with all the Actions of Love and Justice, (where there is Room for Actions to accompany them) yet we cannot but disavow the having any such evil Counsel or Counsellors about us, to our Knowledge, as are mentioned; and if any such be discovered, we will leave them to the Censure and Judgment of our Parliament: In the mean Time we could wish, that our own immediate Actions which we avow, and our own Honour, might not be so roughly censured and wounded, under that common Style of evil Counsellors.

For our faithful and zealous Affection to the true Protestant Profession, and our Resolution to concur with our Parliament in any possible Course for the Propagation of it, and Suppression of Popery, we can say no more than we have already expressed in our Declaration to all our loving Subjects, published in

Ja-

January last, by the Advice of our Privy-Council; in An. 17. Car. I.
 which we endeavoured to make as lively a Confession
 of ourself, in this Point, as we were able, being most
 assured that the constant Practise of our Life hath been
 answerable thereunto; and therefore we did rather
 expect a Testimony and Acknowledgment of such our
 Zeal and Piety, than those Expressions we met with
 in this Declaration, of any Design of altering Reli-
 gion in this Kingdom. And we do, out of the Inno-
 cence of our Soul, wish that the Judgments of Heaven
 may be manifested upon those who have, or had, any
 such Design.

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As for the Scots Troubles; we had well thought
 that those unhappy Differences had been wrapt up in
 perpetual Silence, by the Act of Oblivion; which be-
 ing solemnly passed in the Parliaments of both King-
 doms, stops our Mouth from any further Reply, than
 to shew our great Dislike for reviving the Memory
 thereof.

If the Rebellion in Ireland, so odious to all Chri-
 stians, seems to have been framed and maintained
 in England, or to have any Countenance from hence,
 we conjure both our Houses of Parliament, and all our
 loving Subjects whatsoever, to use all possible Means
 to discover and find out such, that we may join in
 the most exemplary Vengeance upon them that can be
 imagined: But we must think ourself highly and
 causelessly injured in our Reputation, if any Declara-
 tion, Action, or Expression of the Irish Rebels; any
 Letter from Count Rosetti to the Papists, for fast-
 ing and praying; or from Trestram Whitcombe, of
 strange Speeches uttered in Ireland; shall beget any
 Jealousy or Misapprehension in our Subjects of our
 Justice, Piety, and Affection; it being evident to all
 Understandings, that those mischievous and wicked
 Rebels are not so capable of great Advantage, as by
 having their false Discourses so far believed, as to
 raise Fears and Jealousies, to the Distraction of this
 Kingdom, the only Way to their Security: And we
 cannot express a deeper Sense of the Sufferings of our
 poor Protestant Subjects in that Kingdom, than we
 have done in our often Messages to both Houses, by
 which

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which we have offered, and are still ready to venture, our Royal Person for their Redemption; well knowing, that as we are, in our own Interest, more concerned in them, so we are to make a strict Account to Almighty God for any Neglect of our Duty for their Preservation.

For the manifold Attempts to provoke our late Army, and the Army of the Scots, and to raise a Faction in the City of London, and other Parts of the Kingdom; if it be said, as relating to us, we cannot, without great Indignation, suffer ourself to be reproached with having intended the least Force or Threatening to our Parliament, as the being privy to the bringing up of the Army would imply: Whereas we call God to witness, we never had any such Thought, or knew of any such Resolution, concerning our late Army.

For the Petition shewed to us by Captain Legge; we well remember the same, and the Occasion of that Conference: Captain Legge being lately come out of the North, and repairing to us at Whitehall, we asked him of the State of our Army; and, after some Relation made of it, he told us, That the Commanders and Officers of the Army had a Mind to petition the Parliament, as others of our People had done, and shewed us the Copy of a Petition, which we read; and, finding it to be very humble, (desiring the Parliament might receive no Interruption in the Reformation of the Church and State, to the Model of Queen Elizabeth's Days) we told him, We saw no Harm in it: Whereupon he replied, That he believed all the Officers of the Army would like it, only he thought Sir Jacob Astley would be unwilling to sign it, out of Fear that it might displease us. We then read the Petition over again; and then observing nothing, in Matter or Form, we conceived could possibly give just Cause of Offence, we delivered it to him again; bidding him give it to Sir Jacob Astley, for whose Satisfaction we had written C. R. upon it, to testify our Approbation; and we wish that Petition may be seen and published, and then we believe it will appear no dangerous one, nor a just Ground for the least Jealousy or Misapprehension.

For

For Mr. Jermyn; it is well known that he was gone from Whitehall before we received the Desire of both Houses for the Restraint of our Servants, neither returned he thither, or passed over, by any Warrant granted by us after that Time.

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For the Breach of Privilege, in the Accusation of the Lord Kimbolton and the five Members of the House of Commons, we thought we had given so ample Satisfaction in our several Messages to that Purpose, that it should be no more pressed against us; being confident that if the Breach of Privilege had been greater than hath been ever before offered, our Acknowledgment and Retraction hath been greater than ever King hath given; besides the not examining how many of our Privileges have been invaded in Defence and Vindication of the other; and therefore we hoped our true and earnest Protestation, in our Answer to your Order concerning the Militia, would so far have satisfied you of our Intentions then, that you would no more have entertained any Imagination of any other Design than we there expressed.

But why the listing of so many Officers, and entertaining them at Whitehall, should be misconstrued, we much marvel; when it is notoriously known the Tumults at Westminster were so great, and their Demeanors so scandalous and seditious, that we had good Cause to suppose our own Person, and those of our Wife and Children to be in apparent Danger; and therefore we had great Reason to appoint a Guard about us, and to accept the dutiful Tender of the Service of any of our loving Subjects; which was all we did to the Gentlemen of the Inns of Court.

For the Lord Digby; we assure you, on the Word of a King, that he had our Warrant to pass the Seas, and had left our Court, before we ever heard of the Vote of the House of Commons, or had any Cause to imagine that his Absence would have been excepted against.

What your Advertisements are from Rome, Venice, Paris, and other Parts, or what the Pope's Nuncio solicits the Kings of France or Spain to do, or from what Persons such Informations come to you,

An. 17. Car. I. or how the Credit and Reputation of such Persons
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have been sifted and examined, we know not; but are confident no sober honest Man in our Kingdoms can believe, that we are so desperate or so senseless to entertain such Designs, as would not only bury this our Kingdom in sudden Destruction and Ruin, but our own Name and Posterity in perpetual Scorn and Infamy: And therefore we could have wished that, in Matters of so high and tender a Nature, (wherewith the Minds of our good Subjects must needs be startled) all the Expressions were so plain and easy, that nothing might stick with them with Reflection upon us, since you thought fit to publish it at all.

And having now dealt thus plainly and freely with you, by way of Answer to the particular Grounds of your Fears; we hope, upon a due Consideration and Weighing both together, you will not find the Grounds to be of that Moment to beget, or longer to continue, a Misunderstanding betwixt us; or force you to apply yourselves to the Use of any other Power than what the Law hath given you; the which we always intend shall be the Measure of our own Power, and expect it shall be the Rule of our Subjects Obedience.

Concerning our Fears and jealousies; as we had no Intention of accusing you, so are we sure no Words spoken by us, on the sudden, at Theobalds, will bear that Interpretation. We said, For our Residence near you, we wish'd it might be so safe and honourable, that we had no Cause to absent ourself from Whitehall; and how this can be a Breach of Privilege of Parliament we cannot understand. We explained our Meaning in our Answer at Newmarket, at the Presentation of this Declaration, concerning the printed seditious Pamphlets and Sermons, and the great Tumults at Westminster: And we must appeal to you and all the World, whether we might not justly suppose ourself in Danger of either. And if we were now at Whitehall, what Security have we that the like shall not be again; especially if any Delinquents of that Nature have been apprehended by the Ministers of Justice, and been rescued by the People, and so as yet escape unpunished? If you have
 not

not been informed of the seditious Words used, and the Circumstances of those Tumults, and will appoint some Way for the Examination of them, we will require some of our learned Counsel to attend with such Evidence as may satisfy you; and till that be done, or some other Course taken for our Security, you cannot, with Reason, wonder that we intend not to be where we most desire to be.

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And can there yet want Evidence of our hearty and importunate Desire to join with our Parliament and all our faithful Subjects, in Defence of the Religion and Public Good of the Kingdom? Have we given you no other Earnest but Words, to secure you of those Desires? The very Remonstrance of the House of Commons, published in December last, of the State of the Kingdom, allows us a more real Testimony of our good Affections than Words: That Remonstrance valued our Acts of Grace and Justice at so high a Rate, that it declared the Kingdom to be then a Gainer, though it had charged itself by Bills of Subsidies and Poll-Money, with the Levy of 600,000l. besides the Contracting of a Debt to our Scots Subjects of 220,000l.

Are the Bills for the Triennial Parliament; for relinquishing our Title of imposing upon Merchandize, and Power of pressing of Soldiers; for taking away the Star-Chamber and High-Commission Courts; and for regulating the Council-Table, but Words? Are the Bills for the Forests; the Stannary Courts; the Clerk of the Market; and the taking away the Votes of the Bishops out of the Lords House, but Words? Lastly, What greater Earnest of our Trust and Reliance on our Parliament could, or can, we give, than the passing of the Bill for the Continuance of this present Parliament? The Length of which, we hope, will never alter the Nature of Parliaments and the Constitution of this Kingdom; or invite our Subjects so much to abuse our Confidence, as to esteem any Thing fit for this Parliament to do, which were not so, if it were in our Power to dissolve it To-morrow. And after all these, and many other Acts of Grace on our Part,

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Part, that we might be sure of a perfect Reconciliation betwixt us and all our Subjects, we have offered, and are still ready to grant, a free and general Pardon, as ample as yourselves shall think fit. Now, if these be not real Expressions of the Affections of our Soul, for the Public Good of our Kingdom, we must confess that we want Skill to manifest them.

To conclude, (although we think our Answer already full to that Point) concerning our Return to London: We are willing to declare, That we look upon it as a Matter of so great Weight, with Reference to the Affairs of this Kingdom, and to our own Inclinations and Desires, that if all we can say or do, can raise a mutual Confidence, (the only Way, with God's Blessing, to make us all happy) and, by your Encouragement, the Laws of the Land, and the Government of the City of London, may recover some Life for our Security, we will overtake your Desires, and be as soon with you as you can wish. And, in the mean Time, you may be sure, that neither the Business of Ireland, or any other Advantage for this Kingdom, shall suffer through our Default, or by our Absence; we being so far from repenting the Acts of our Justice and Grace, which we have already performed to our People, that we shall, with the same Alacrity, be still ready to add such new ones, as may best advance the Peace, Honour, and Prosperity of this Nation.

The Letter to the Lord-Keeper was as follows:

CHARLES R.

Right Trusty and Well-beloved Counsellor, we greet you well,

The King's Objections to passing the Bill for clearing the Lord Kimbolton, &c.

WE have signed a Commission for giving our Royal Assent for passing the Bill For raising 400,000*l.* for the necessary Defence of our Kingdom of Ireland. As for the other Bill sent unto us, intituled, An Act for clearing and vindicating of the Lord Kimbolton, Mr. Holles, &c. albeit we are well

well pleased to pass an Act for the clearing of them all, according to our gracious Promise; yet we are not by that Promise, nor otherwise, obliged to lay any Imputation on ourself, or to clear them in Words that may reflect upon our Honour. Wherefore, our Command is, that you make known to our Parliament, That if they will pass a Bill for the freeing and clearing of the Lord Kimbolton and the rest, in such Terms and Words as may be strong for them, and not reflect upon us, we will readily give our Royal Assent thereto.

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Given at our Court at York, the 21st of March, in the 17th Year of our Reign.

Ordered, That this House shall take into Consideration, Whether this Answer is not a Breach of the Privilege of Parliament; and that all these last Matters, from the King, shall be communicated to the House of Commons, at a Conference. But at the very same Time came up a Message from the Lower House, desiring a Conference about the same Things; which was granted, and appointed to be that Afternoon in the Painted-Chamber; but the Report of it was put off to a further Time.

Thus ends the Year 1641, with a melancholy Prospect of the succeeding one; for it did not then need any deep Skill in Prophecy to foretell the dire Events, which these irreconcilable Differences between the King and Parliament had rendered inevitable.—But let us leave the Bloody Prospect, for a-while, and return to our Journals.

March 25. This Day was read a first Time, in Anno 1642; the House of Lords, A Bill for suppressing of divers Innovations in Churches and Chapels in and about the Worship of God; and for the due observing the Lord's Day, and the better Advancement of the Preaching of God's Holy Word, in all the Parts of the Kingdom.

Nothing else material done in either House.

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B b

March

An. 18. Car. 1.
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Information of
an Invasion in-
tended by the
French.

March 26. The Earl of *Northumberland*, Lord-Admiral, acquainted the Lords, That he had received Information from Sir *Philip Carteret*, Governor of the Isle of *Wight*, of Forces raising in *Normandy* and *Brittany*, to the Number of 7000 Men; that they were designed against the Islands of *Guernsey* and *Jersey*, or some Part of *England*: And that there was in *France* a secret Intent to break the Peace between the two Kingdoms.

Ordered, That this Information should be sent to the Commons; and to desire that House to give a speedy Dispatch to the setting forth this Summer's Fleet; and that both Houses may join in an humble Petition to the King, to make the Earl of *Warwick* Commander of it.

This Day an Act *For raising and levying of Moneys*, (400,000*l.*) for the necessary Defence and great Affairs of this Kingdom and Ireland, and for the Payment of Debts undertaken by Parliament, was passed, by Commission, with the usual Ceremonies.

March 28. The Earl of *Essex*, Lord-Chamberlain of the Household, and the Earl of *Holland*, Groom of the Stole, exhibited Letters from the King, commanding them to appear at *York*, to attend St. *George's* Feast there, (they being Knights of the Garter) which the King intended to hold in that City. The like Letters the Earl of *Salisbury* and the Lord *Savile* shewed; which being taken into Consideration, as a Matter of great Importance, it was resolved, upon the Question, That the said Lords should not have Leave to go, but attend the Business of that House, in regard the great and weighty Affairs of the Kingdom were then in Agitation; and ordered, That the Lord-Keeper should signify to the King the Reasons for this Refusal, which were to be drawn up for that Purpose.

The Lords refuse
to let the Earl of
Essex, &c. wait
on the King at
York.

A Conference was held this Day between the two Houses; when the Commons informed the Lords, That a Petition had been framed in *Kent*, and in-
tended

tended to be delivered to Parliament, which was of An. 18. Car. I.
 dangerous Consequence. This was on the Inform- 16.12.
 ation of one *Francis Jones*, who averr'd, That March.
 the Petition was produced and read at the Assizes,
 at *Maidstone*, the twenty-fifth Instant, and con- A Conference .
 sisted, to the best of his Memory, of these Par- concerning an
 ticulars: ' That the Government of Bishops might intended Peti-
 ' still remain, they being as antient as Christianity tion from the
 ' in *England*.—That the Liturgy and Common County of *Kent*.
 ' Prayer might still remain.—That such might be
 ' punished who either absent themselves from it, or
 ' speak against it; and that all Ministers and People
 ' might be brought into this Uniformity.—That
 ' no Order should issue out of either House, to
 ' oblige the People, unless it was an Act of Parlia-
 ' ment.—That no Order should issue concerning
 ' the Militia, from either House, without the
 ' King's Hand to it.—That they would presently
 ' apply themselves to his Majesty's Message of the
 ' twentieth of *January* last.—That they would
 ' establish the Civil Law, that they who were Civil
 ' Lawyers might not lose their Studies.—That they
 ' would speedily relieve their Brethren in *Ireland*.—
 ' That they would be pleased to establish the Privi-
 ' lege of Parliament, and the King's Regal Power.
 ' Lastly, That *Sir Edward Dering* prested, with
 ' great Earnestness, to have a Copy of this Peti-
 ' tion sent to the King; but, as he thought, it was
 ' denied.'

The Commons further inform'd the Lords, that
 they found *Sir Edward Dering*, *Sir George Twis-*
den, *Sir George Strobe*, and *Mr. Richard Spencer*,
 had been active Men in contriving and presenting
 this Petition; they therefore desired the said Gen-
 tlemen might be sent for, as Delinquents; which
 was, accordingly, ordered by the Lords, and a se-
 lect Committee, of both Houses, appointed to
 examine this Business to the Bottom.

In the Afternoon of this Day the Commons sent
 up the following Draught of a Petition to the King,
 B b 2 for

An. 18. Car. I. for constituting the Earl of *Warwick* Lord High Admiral :

March.

A Petition of both Houses to the King, that the Earl of *Warwick* may command the Fleet.

THE Lords and Commons, in this present Parliament assembled, having found it necessary to provide and set to Sea a strong and powerful Navy, for the Defence of this Kingdom against foreign Force, and for the Security of your Majesty's other Dominions, the Charge whereof is to be borne by the Commonwealth; and taking Notice of the Indisposition of the Lord-Admiral, which disables him at this Time from commanding the Fleet in his own Person, did thereupon recommend unto his Lordship the Earl of *Warwick*; a Person of such Ability and Quality, as in whom they might best confide, to supply his Room for this Employment. And understanding that your Majesty has since signified your Pleasure concerning that Command for Sir John Pennington, we do hold it our Duty to represent unto your Majesty the great Danger and Mischief the Commonwealth is like to sustain by such Interruption; and therefore humbly beseech your Majesty, that the Noble Person, recommended by both Houses of Parliament for this Service, may no longer be detained from it, out of any particular Respect to any other Person whatsoever.

The Lords agreed to this Petition.

Earl of *Bristol* and Judge *Mallet* examined touching the *Kentish* Petition;

A Copy of the *Kentish* Petition was produced in the House of Lords by the Earl of *Bristol*, who said he had it delivered to him by Judge *Mallet*.

This being read, which was no more than an Enlargement on the foregoing Heads, the Earl was asked, Whether he had taken a Copy of this Petition? who answering, *Yes*, he was commanded to withdraw. Then Mr. Justice *Mallet* was examined about this Business, who said, 'That he had the Petition from Sir *George Strade*, and that he shewed it to the Earl of *Bristol*, who took a Copy of the same.' Hereupon the Lords taking this Affair into Consideration, conceived that the Judge had committed a great Offence, contrary to his Duty, as Judge of the Assize, and as an Assistant to this House,

House, in not revealing the Petition to them 'till he was forced to it. And, after a long Debate, the Question was put, Whether there were not some Words, in this Petition, scandalous, dangerous, and tending to Sedition? it passed in the Affirmative. Likewise the Earl of *Bristol*, because he had this Petition delivered to him, being of so dangerous a Consequence, and took a Copy of it without doing his Duty in acquainting the House of Lords therewith, was committed to the *Tower*, for the present, untill this Business should be further examined. The Earls of *Bath*, *Dover*, *Portland*, *Monmouth*, with the Lords *Mowbray*, *Grey*, *Howard*, and *Capel*, dissenting.

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And committed to the *Tower*.

Judge *Mallet* also underwent the same Sentence.

March 29. A Message from the King to the Lords was read, importing, only, his Desire that the Earl of *Leicester*, Lord-Lieutenant of *Ireland*, should be sent over, immediately, to that Kingdom, in order to comfort and encourage his good Subjects there, on their late Success, and strike the more Terror into the Rebels, &c. which, after a Conference with both Houses, about this Matter, was denied.

The Lord *Seymour* having been sent to by the King, as a Knight of the Garter, to attend his Majesty at *York*, on *St. George's* Feast; and setting forward on a former Leave of Absence from the House, a Post was sent after him, with an Order to bring him back. The Gentleman-Usher of the Black Rod, having received the like Summons, the Lords ordered, That he should attend his Charge and Duty to the House, according to his Place.

This Day the Bill of Subsidy, on Tonnage and Poundage, &c. was passed by Commission, and was the last of that Kind this King ever had granted. Some Reasons were likewise drawn up and agreed to be sent to the King, for not permitting his great Officers of State, and Privy-Counsellors, to attend him at *York*.

Bill of Tonnage and Poundage passed.

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At

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At the Desire of the Commons, the Trial of Judge *Berkley* was put off to the 17th of *May*.

Many Orders had been made by both Houses, and much Money paid to the *Scots*, for transporting an Army from thence into *Ulster*, to defend that Province. But the *Scots* being still dilatory, this was complained of to them; who answered, They had 2700 Men ready to embark from their Ports, but they waited for a fair Wind. The *Scots* Commissioners were, hereupon, desir'd to get those Men transported with all Expedition.

An Order was sent up by the Commons, for their Lordships Concurrence, authorizing Sir *John Hotham* to take such a Number of the Train'd Bands, as he should think fit, into *Hull*; and to make Use of the Magazine there, for the Defence of that Place; which was agreed to. Adjourn'd to

March 31. This Day, at a Conference by a Committee of both Houses, the Commons exhibited the following Articles of Impeachment against *George Benyon*, Citizen of *London*, for several High Crimes and Misdemeanors:

Impeachment of
George Benyon,
for contriving a
Petition against
the Ordinance for
the Militia, &c.

THAT he, the said *George Benyon*, being a Man of Power and Credit in the City, and well knowing the present Distractions and Disorders of the Times, had endeavoured to make a Division between the King and Parliament, and between the Parliament and the City, by wickedly and maliciously contriving and forming a false, dangerous, and seditious Petition, in Behalf of himself and other Citizens, and presented to both Houses of Parliament, &c. That the said *George Benyon*, by false and sinister Persuasions, procured divers Citizens to subscribe their Hands to the said Petition, contrary to their Intent and true Meaning, &c.

Also, that the said *Benyon* did give out and utter divers bold and arrogant Speeches, in Derogation and Contempt of the Privileges of Parliament, and the Peers therein assembled; swearing,

ing, by God, that he would make the Bill of
 Protections pass, or there should not be one Penny
 lent to Parliament; that he would spend every
 Groat in the Chamber of *London*, to put down
 the Privileges of the Peers, and make them honest,
 that they might be as liable to Arrests as the
 Noblemen of *France, Spain, Poland*, and other
 foreign Countries: That he said he had computed
 the Debts of the Lords, and that they owed more
 than would drive on the greatest Trade of the
 whole Kingdom, &c. That, speaking of the Parliament,
 he did falsely and maliciously say, That
 they much complained of the King's Authority
 and Power, and yet they went about to set up an
 arbitrary Government themselves; and they, being
 Four Hundred in Number, would be more
 grievous than One absolute Monarch.
 All which Matters and Things, &c.

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This is the Substance of the Charge against Mr.
Benyon: The Petition itself is annexed; and since
 that was the great Reason of the Accusation against
 him, we shall give it at Length; and, especially, as
 the Proceedings of the Commons in this Affair are
 very slightly pass'd over by Mr. *Rushworth*; and
 neither the Petition itself, nor the Impeachment
 and Trial before the Lords, are mentioned at all
 in his *Collections*, or by Mr. *Whitlocke*.

The Petition was as follows:

To the Rt. Hon. the LORDS and COMMONS
 assembled in Parliament,

The HUMBLE PETITION of the CITIZENS
 of LONDON, whose Names are underwritten,

Sheweth,

THAT the City of London hath, Time out of Mind,
 enjoyed the ordering of their own Arms, which
 hath successively been annexed to the Mayoralty for
 the Time being; the Lord Mayor having always been
 a Person of Worth and Quality, and of their own
 Choice, and hath ever advised with the Court of Aldermen

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dermen in the Execution thereof: So that if the same should be conferred on others, we humbly conceive it would not only be a personal Dishonour to the Lord Mayor, but also reflect upon the Government and Customs of the City of London, granted to the Citizens by the Great Charter of England, and confirmed by divers Acts and Charters since that Time; and which every Freeman of the said City is, by the Oath of his Freedom, bound to maintain to the uttermost of his Power. This Honourable Assembly may be pleased to take into Consideration, that an Alteration in the antient Government of this renowned City, may breed greater Distractions and Inconveniences, than, for the present, can be discerned, or, in the future, can be amended.

Wherefore, our humble Desire is, That since this Government hath, by Experience, been found for the Honour of his Majesty, the Good of the City and the whole Kingdom; and that, in the most troublesome Times, it hath been admired and commended by Strangers, before any other City in the known World, that the same, by your Honourable Favour, may be continued without any Alteration.

And they shall pray, &c.

This Petition being read, the Charge was farther aggravated against Mr. *Benyon*, by observing,

I. ‘ That he was a Man of a turbulent Spirit, and a fit Person to act such a Mischief: A Citizen and Freeman of *London*, which is the Metropolis and Epitome of the whole Kingdom, the Strength whereof is in the Common Council: That this Plot was like another *Trajan Horse*, full of Variety of Mischiefs and pestilential Designs; according to *Machiavel’s Rule, Divide & impera*. To divide between the King and his People, the Parliament and the City, and the City between itself; like a Worm gnawing between the Bark and the Tree. The Circumstances and Gradations of this Offence ascend to a great Height, as having Reference to the Common Council, whereto he ought to have submitted, being

‘ being involved in their Votes ; but he abounds in An. 18. Car. I.
his own Sense, and spurns against them. 1642.

II. ‘ It hath Reference to the annihilating and
‘ opposing the Ordinance of both Houses of Parlia-
‘ ment, for settling the Militia, the Parliament ha-
‘ ving Power of declaring what the Law is con-
‘ cerning itself; and also it lays a great Charge upon
‘ both Houses for arbitrary Power, Ambition, and
‘ Injustice, and hath scandalized their Members and
‘ Privileges.

III. ‘ Concerning the Time when *Benyon* com-
‘ mitted these Offences : It was when the Kingdom
‘ was full of Fears, Dangers, and Divisions; and,
‘ taking Advantage of this Opportunity, he endea-
‘ voured to put all into Confusion ; so as the Bark
‘ was not to be saved, but by casting Anchor and
‘ standing together to oppose these Mischiefs. He
‘ did not only act his Part himself, but persuaded
‘ others, both at the Exchange and at the Scrive-
‘ ners Shops, to subscribe the Petition ; which was
‘ a Thing contrary to the Opinion of the Com-
‘ mon Council, as being a Matter of great Pre-
‘ sumption, and tending to Sedition ; for, it is fear-
‘ ed, the Consequence of this Example will be an
‘ Occasion of other Places following the same Steps,
‘ whereof some Passages have already appeared :
‘ Therefore the House of Commons desire that
‘ exemplary Punishment may be inflicted on the
‘ said *George Benyon*, for these Offences, according
‘ to Justice.’

This Report being made of the Charge, it was
ordered, That the said *George Benyon* should be
brought to the Bar to hear it read ; which being
done, and he asked what Answer he would make
to it, he humbly desired he might have Time given
him to put in his Answer ; and, for the enabling
him thereto, he desired to have Counsel allowed
him, and to have a Copy of his Charge. All which
was granted, and *Monday* next, being the 4th of
April, appointed for his Trial.

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A Petition from the twelve impeached Bishops, in the *Tower*, was read, praying the Lords, That some speedy Order might be taken for their Enlargement, upon Bail or otherwise, as their Lordships should think fit.

Ordered, That this Petition be communicated to the House of Commons, and they to be desired to proceed against the Bishops with all Expedition.

April 1. A Conference having been held between both Houses Yesterday, a Report of it was made, this Day, to the Lords, by the Lord-Keeper; in which he said the Commons communicated to them the King's Answer to a late Message from Parliament, of *March 22*; which he read in these Words:

The King's Reply (of the 26th of *March*) to the Parliament's Answer to his Message from Newmarket.

IF you would have had the Patience to have expected our Answer to your last Declaration, (which, considering the Nature of it, hath not been long in coming) we believe you would have saved yourselves the Labour of saying much of this Message; and we could wish that our Privileges on all Parts were so stated, that this Way of Correspondency might be preserved, with that Freedom which hath been used of old; for we must tell you, That if you may ask any Thing of us by Message or Petition, and in what Language, how unusual soever, you think fit; and we must neither deny the Thing you ask, nor give our Reason why we cannot grant it, without being taxed of breaking your Privileges, or being counselled by those who are Enemies to the Peace of the Kingdom, and Favourers of the Irish Rebellion, (for we have seen your printed Votes upon our Message from Huntingdon) you will reduce all our Answers hereafter into a very little Room. In plain English, it is to take away the Freedom of our Vote; which, were we but a Subject, were high Injustice; but, being your King, we leave all the World to judge what it is.

Is this the Way to compose all Misunderstandings? We thought we shewed you one by our Message of the twentieth of January; if you have a better or readier,

we

we shall willingly hearken to it ; for, hitherto, you have shewed us none. But why the Refusal to consent to your Order (which you call a Denial of the Militia) should be any Interruption to it, we cannot understand. For the Militia, which we always thought necessary to be settled, we never denied the Thing, as we told you in our Answer of the twenty-eighth of February, to the Petition of the House of Commons; for we accepted the Persons, except for Corporations; we only denied the Way. You ask it by way of Ordinance, and with such a Preface as we can neither with Justice to our Honour, or our Innocence, consent to. You exclude us from any Power in the Disposition or Execution of it, together with you, and for a Time utterly unlimited: We tell you we would have the Thing done; allow the Persons, with that Exception; desire a Bill, the only good old Way of imposing on our Subjects. We are extremely unsatisfied what an Ordinance is; but well satisfied, that, without our Consent, it is nothing, nor binding. And it is evident, by the long Time spent in this Argument, the Necessity and Danger was not so imminent but a Bill might have well been prepared; which, if it shall yet be done with that due Regard to us, and Care of our People, in the Limitation of the Power and other Circumstances, we shall recede from nothing we formerly expressed in that Answer to your Order; otherwise we must declare to all the World, that we are not satisfied with, or shall ever allow our Subjects to be bound by, your printed Votes of the fifteenth or sixteenth of this Month; or that, under Pretence of declaring what the Law of the Land is, you shall, without us, make a new Law; which is plainly the Case of the Militia: And what is this but to introduce an Arbitrary way of Government?

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Concerning Pymme's Speech; you will have found by what the Lord Compton and Mr. Baynton brought from us, in Answer to that Message they brought to us, that, as yet, we rest nothing satisfied in that Particular.

As for the seditious Sermons and Pamphlets; we are both sorry and ashamed that, in so great a Variety,
and

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and in which our Rights, Honour, and Authority are so insolently slighted and vilified, and in which the Dignity and Freedom of Parliament is so much invaded and violated; it should be asked of us to name any: The mentioning of the Protestation protested; the Apprentices Protestation; To your Tents, O Israel, or any other, would be too great an Excuse for the rest. If you think them not worth your Inquiry, we have done. But we think it most strange to be told, That our Denial of a Guard, which we yet never denied, but granted in another Manner, and under a Command, at that Time, most accustomed in the Kingdom; or the Denial of any Thing else, which is in our Power legally to deny; which in our Understanding, (of which God has surely given us some Use) is not fit to be granted, should be any Excuse for so dangerous a Concourse of People; which not only in our Apprehension, but, we believe, in the Interpretation of Law itself, hath been always held most tumultuous and seditious. And we must wonder what and whence come the Instructions and Informations that those People have, who can so easily think themselves obliged, by the Protestation, to assemble in such a Manner, for the Defence of Privileges, which cannot be so clearly known to any of them; and so negligently pass over the Consideration and Defence of our Rights, so beneficial and necessary for themselves, and scarce unknown to any of them; which, by their Oaths of Allegiance and Supremacy, and even by the same Protestation, they are at least equally obliged to defend. And what Interruption such kind of Assemblies may be to the Freedom of future Parliaments, if not seasonably discountenanced and suppressed, we must advise you to consider; as likewise whether both our Powers may not, by such Means, be usurp'd by Hands not trusted by the Constitution of this Kingdom.

For our Guard; we refer you to our Answer to your Declaration.

By that Question of violating your Latas, by which we endeavoured to express our Care and Resolution to observe them, we did not expect you would have been invited to have look'd back so many Years, for

for which you have had so ample Reparation ; neither An. 28. Car. 1.
looked we to be reproached with the Actions of our Mi- 1642.
nisters, then against the Laws, whilst we express so
great a Zeal for the present Defence of them ; it be-
ing our Resolution, upon Observation of the Mischief
which then grew by arbitrary Power, (though made
plausible to us by the Suggestions of Necessity and im-
minent Danger ; and take you heed ye fall not into
the same Error, upon the same Suggestions) hereafter
to keep the Rule ourself, and, to our Power, require
the same from all others. But, above all, we must
be most sensible of what you cast upon us for Requital
of those good Bills you cannot deny. We have denied
any such Design, and as God Almighty must judge in
that Point between us, who knows our upright Inten-
tions at the passing those Laws ; so, in the mean Time,
we defy the Devil to prove that there was any De-
sign, with our Knowledge or Privity, in or about the
Time of passing those Bills, that, had it taken Effect,
could have deprived our Subjects of the Fruit of them :
And, therefore, we demand full Reparation in this
Point, that we may be cleared in the Sight of all the
World, and chiefly in the Eyes of our loving Subjects,
from so notorious and false an Imputation as this is.

We are far from denying what you have done ;
for we acknowledge the Charge our People have su-
stained in keeping the two Armies, and in relieving
Ireland ; of which we are so sensible, that, in re-
gard of those great Burdens our People have under-
gone, we have and do patiently suffer those extream
personal Wants, as our Predecessors have been seldom
put to, rather than we would press upon them ; which
we hope, in Time, will be considered on your Parts.

In our Offer of a general Pardon, our Intent was
to compose and secure the general Condition of our Sub-
jects ; conceiving that, in these Times of great Di-
stractions, the good Laws of the Land have not been
enough observed : But it is a strange World, when
Princes proffered Favours are counted Reproaches ;
yet if you like not this our Offer, we have done.

Concerning any Discourses of foreign Forces ; tho'
we have given you a full Answer in ours to your last
De-

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Declaration, yet we must tell you, we have neither so ill an Opinion of our own Merit, or the Affections of our good Subjects, as to think ourself in Need of any foreign Force to preserve us from Oppression, and we shall not need for any other Purpose; but are confident, through God's Providence, not to want the good Wishes and Assistance of the whole Kingdom; being resolved to build upon that sure Foundation, the Law of the Land. And we take it very ill that any general Discourses between an unknown Person and a Mariner, or Inferences upon Letters, should be able to prevail in Matters so improbable in themselves, and scandalous to us; for which we cannot but likewise ask Reparation, not only for the Vindicating of our own Honour, but also thereby to settle the Minds of our Subjects, whose Fears and Jealousies would soon vanish, were they not fed and maintained by such false and malicious Rumours as these.

For our Return to our Parliament; we have given you a full Answer in ours to your Declaration, and you ought to look on us as not gone, but driven (we say not by you yet) from you; and if it be not so easy for you to make our Residence in London so safe as we could desire, we are, and will be, contented that our Parliament be adjourned to such a Place where we may be fitly and safely with you: For though we are not pleased to be at this Distance, yet ye are not to expect our Presence, untill ye shall both secure us concerning our just Apprehension of tumultuary Insolencies, and likewise give us Satisfaction for those insupportable and insolent Scandals that are raised upon us.

To conclude: As we have not, or shall not, refuse any Way, agreeable to Justice or Honour, which shall be offered to us, for the begetting a right Understanding between us; so we are resolved, that no Straits or Necessities, to which we may be driven, shall ever compel us to do that which the Reason and Understanding which God hath given us, and our Honour and Interest with which God hath trusted us, for the Good of our Posterity and Kingdoms, shall render unpleasant and grievous unto us. And we assure you, that (how meanly soever you are pleased to value the Discharge of

of our public Duty) we are so conscious to ourself of An. 18. Car. I.
having done our Part since this Parliament, that, in 1642.
whatsoever Condition we now stand, we are confident
of the continued Protection of Almighty God, and
the constant Gratitude, Obedience, and Affection of
our People: And we shall trust God with all. April.

After the reading of this Answer the Lord-Keeper further said, That the House of Commons did account it to be a Matter of so great Importance, as to require some Time to consider of it; and therefore they resolved to lay all other Business aside, excepting one or two Matters, untill this was done; which Resolution the Lords agreed to. Ordered, also, That the Message of both Houses to the King, on the twenty-second of March last, with his Majesty's Answer, should be forthwith printed and published.

This Day the Lords took into Consideration the Substance of a late Conference had with the House of Commons, concerning a Declaration of the Grievances and Evils of this Kingdom, with Propositions of the Remedies and Cures, which they conceived fit for these Diseases, reported by the Lord Roberts; and, first, the Declaration was read in hæc Verba: *

WE your Majesty's most humble and loyal Subjects, the Lords and Commons of this present Parliament assembled, do hereby call God, this Kingdom, and the whole World to witness that we have, ever since our first Meeting in this present Parliament, with Fidelity to your Majesty and the State, with much Patience and Constancy, in respect of the great Affronts and Interruptions, the pernicious Plots and Attempts where-with we have been encountered, distracted, and opposed, employed our Counsels and Endeavours to maintain God's true Religion, the Honour and Rights

The Report of a Declaration of the Grievances of the Kingdom, and the Remedies proposed.

* From the Lords Journals.

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‘ Rights of your Crown, the Peace and Safety of
 ‘ your Royal Person and your Kingdoms, and the
 ‘ just Liberties of your People ; that so we might
 ‘ ease them of their great Grievances, and prevent
 ‘ the Fears and Dangers, yea, the imminent Ruin
 ‘ and Destruction, which have been contrived and
 ‘ fostered, not only in your Court, but even very
 ‘ near your own Person ; and however our Liber-
 ‘ ties have been invaded, many of our Lives endan-
 ‘ gered, and such Attempts made upon us as might
 ‘ have subverted the very Being of Parliament, yet
 ‘ have we so kept ourselves within the Bounds of
 ‘ Modesty and Duty, that we have given no just
 ‘ Occasion of your Majesty’s Absence at this Time,
 ‘ nor of any Offence or Displeasure to the Queen’s
 ‘ Majesty ; but, notwithstanding our manifold Ex-
 ‘ perience, past and present, and our Sense and
 ‘ Apprehension of those Principles, destructive of
 ‘ this Church and State, with which that Religion
 ‘ professedly doth abound, we have ever been care-
 ‘ ful of the Honour and Safety due to her Majesty’s
 ‘ Person, and so intend to continue for the Time
 ‘ to come.

‘ And we most humbly beseech your Majesty,
 ‘ with Wisdom and Compassion, to behold the
 ‘ miserable and perishing Condition of all your
 ‘ Majesty’s Kingdoms; the full Accomplishment
 ‘ whereof seems impossible to be avoided, unless
 ‘ you will be graciously pleased to join seriously and
 ‘ thoroughly with your Parliament, in removing the
 ‘ Causes, and applying the most powerful and sove-
 ‘ reign Remedies to those Evils and Distempers
 ‘ which have long held this Kingdom in a languish-
 ‘ ing Estate, and now brought it even to the last
 ‘ Gasp and Period of Destruction ; for preventing
 ‘ whereof, according to the Trust reposed in us, we
 ‘ are bound, in all Humility and Faithfulness, to
 ‘ present some of those Causes and Remedies to
 ‘ your Princely View and Consideration.

1. ‘ The evil Counsel about your Majesty and
 ‘ the Queen, continually acting and disposing all
 ‘ Oc-

‘ Occurrences of State, and abusing your Majesty’s An. 18. Car. 1.
 ‘ Power and Authority, to the Prejudice of Reli- 1642.
 ‘ gion and Hazard of the Public Peace; the Inter-
 ‘ ruption of the Parliament; the strengthening of
 ‘ a malignant Party within the Kingdom; the rai-
 ‘ sing and fomenting Jealousies and Discontents be-
 ‘ twixt your Majesty, your Parliament, and other
 ‘ loyal Subjects.

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2. ‘ The Priests, Jesuits, and Papists, both fo-
 ‘ reign and native, and other dangerous and ill-af-
 ‘ fected Persons, have had so great an Interest in
 ‘ the Affections, and so powerful an Influence upon
 ‘ the Counsels of the Queen, that her Majesty hath
 ‘ been admitted to intermeddle with the great Af-
 ‘ fairs of State, and with the disposing of Places
 ‘ and Preferments, even of highest Concernment
 ‘ in the Kingdom; which, being conferred by her
 ‘ Mediation, hereby not only many of those who
 ‘ are of great Power and Authority, but divers ac-
 ‘ tive Spirits, ambitious of public Employment,
 ‘ have their Dependance upon, and are engaged to
 ‘ favour and advance those Aims and Designs,
 ‘ which are infused into her Majesty upon Grounds
 ‘ of Conscience, which is the strongest Bond either
 ‘ of Good or Evil.

3. ‘ The great Encouragement of Popery; the
 ‘ public Exercise of that Religion in *Whitehall, So-*
 ‘ *merfet-House*, and other Places; the establishing
 ‘ of a Popish Hierarchy; the settling a College of
 ‘ Capuchins within this Realm; the free and fre-
 ‘ quent Conventions and Consultations of Papists;
 ‘ the Multitude of *English* Youth, of both Sexes,
 ‘ bred in the Colleges and Religious Houses beyond
 ‘ the Seas, and those Popish Schools, which, by the
 ‘ Connivance and Favour of the Times, have been
 ‘ set up and permitted within this Kingdom.

4. ‘ The Want of a due Reformation of the
 ‘ Church-Government and Liturgy now used; the
 ‘ Want of a preaching Ministry, and a competent
 ‘ Maintenance for them in many Parts of this
 ‘ Kingdom.

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5. ‘ The

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5. ' The over-strict pressing of divers Ceremonies in the Liturgy and Rubric, and the enjoining and pressing of other Ceremonies not established by Law.

6. ' The Votes of Popish Lords in the House of Peers, whereby the great Work of Reformation in the Government of the Church and State hath been, and may yet be, very much hindered, and the malignant Party of the Kingdom strengthened and protected.

7. ' The Countenance and Protection which hath been afforded to many great and dangerous Delinquents; the Preferment of such as have adhered to them; and the Displeasure shewed against those who have been used and employed as Witnesses in the Trial and Prosecution of them.

8. ' The violent and frequent Breaches of the Privileges of Parliament; the often Attempts against the Safety, and malicious Design to frustrate the Power and Proceedings, of Parliament.

9. ' The Managing and Transacting the great Affairs of the Realm in private Cabinet Councils by Men unknown, not trusted by the Wisdom of the Law, nor well-affected to the Public Good of the Kingdom.

10. ' The Preferring Men to Degrees of Honour, to Offices, and other Employments of Trust, and removing others in Time of Parliament, without the Consent of that your great and faithful Council; whereby covetous and ambitious Spirits are apt to be biaſſed to those Courses which lead to their own Preferment; and others, more ingenuous and upright, are awed and straitened in the Performance of their Duties.

11. ' The Selling of Places of Judicature, of Offices of Trust in Courts of Justice, as of the Degrees of Serjeant at Law, and of the Charge and Custody of the Castles and Forts of the Kingdom; whereby insufficient, corrupt, and unworthy Persons are often preferred; who, knowing themselves obnoxious to the Censure and Punishment

ment of Parliament, are engaged, for their own
 Security, to be plyant and serviceable to any ill
 Designs; Oppression, Bribery, and Extortion, are
 cherished and increased; your Majesty's Service,
 the Safety, Honour, and Government of the King-
 dom neglected; and Places and Employments of
 Trust, which, in the Frame and Constitution of
 the Commonwealth, were intended for the ge-
 neral Good and Service of the Kingdom, are, for
 the most Part, by the Study and Endeavours of
 those that enjoyed them, improved to the Satis-
 faction of their own Covetousness, Ambition, or
 other private Ends; and made burthensome and
 hurtful to the Public, by obstructing or prevent-
 ing the Ways of Justice.

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12. ' The secret and false Informations and Ac-
 cusations received against divers Members of Par-
 liament; whereby they have been much endan-
 gered and prejudiced, in the Favour and Appre-
 hension of your Majesty and the Queen, and, by
 concealing the Informers, have been left without
 Means to acquit and defend themselves.

' The Remedies which we humbly tender to
 your Majesty are these :

1. ' That the Lords, and other your Majesty's
 Privy-Council, and all other Persons employ'd in
 great Offices of State and Government, either at
 home or beyond the Seas, may be put from the
 Privy-Council, and from those Offices and Em-
 ployments, excepting such as have Offices by Inhe-
 ritage; and that such Persons, as shall be put into
 those Places and Employments, shall be recom-
 mended to your Majesty by Advice of both Houses
 of Parliament; and that all Privy-Counsellors
 shall take an Oath for the due Execution of their
 Places, in such Form as shall be agreed upon by
 Parliament; and that such of those Counsellors
 and great Officers as shall be so displaced, and not
 recommended as aforesaid, and whose Names
 shall be presented by both Houses of Parliament,
 shall not have Access to the Persons or Courts of
 the King or Queen's Majesty.

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2. ' That

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2. ' That all Priests, Jesuits, or Papiſts, as likewise all other dangerous and ill-affected Persons, tho' professing the Protestant Religion, be removed from the Queen's Person, and from having any Office or Employment under her; and that all her Majesty's Servants whatsoever shall take an Oath, to be advised and enacted by Parliament, That he, or she, will not, at any Time, directly or indirectly, by him or herself, or any other, move, petition, or solicit her Majesty in any Matter concerning the State and Government of the Kingdom; or concerning any Favour or Immunity to be conferred upon any Papiſts, against the Laws; or for any Honour, Preferment, or Employment of any Person whatsoever.

3. ' That your Majesty will be graciously pleased to remove from about the Royal Persons of your Majesty and the Queen, and from both your Courts, Mr. *William Murray*, Mr. *Endimion Porter*, both which are of your Bed-Chamber, Sir *John Wintour*, late Secretary to the Queen's Majesty, and Mr. *William Crofts*, being all Persons of evil Fame, as those who are disaffected to the Public Peace and Prosperity of the Kingdom; Instruments of Jealousy, Discontent, and Misunderstanding betwixt your Majesty and your Parliament; and busy Promoters of those Mischiefs and Grievances which have produced the great Dangers, Distempers, and Fears, wherewith all your Kingdoms have been, and still are, miserably distracted and perplexed.

4. ' That your Majesty will be pleased not to entertain any Advice or Mediation from the Queen in Matters of Religion; as concerning the Government of any of your Majesty's Dominions; as for the placing or displacing any great Officers, Counsellors, Ambassadors, or Agents beyond the Seas; or any of your Majesty's Servants attending your Royal Person, either in your Bed-Chamber or Privy-Chamber, or attending the Person of the Prince, or any of the Royal Issue, after they shall attain to the Age of five Years.

5. ' That

5. ' That for the further securing the Kingdom in this Behalf, being a Matter of so great Importance for the Preservation of Religion and the Safety of the Kingdom, the Queen will be pleased to take a solemn Oath, in the Presence of both Houses of Parliament, the Form whereof is to be agreed on in Parliament, That she will not hereafter give any Counsel, or use any Mediation, to your Majesty concerning the disposing of any of the Offices or Places above-mention'd, or at all intermeddle in any of the Affairs of State or Government of the Kingdom.

6. ' That all great Officers and Counsellors, and such others as shall be employed in any of the Places before mention'd, shall take a solemn Oath, in such Manner and Form as shall be prescribed by Parliament, That they have not made Use of any Power or Mediation of the Queen, directly or indirectly, for their Preferment, in obtaining any such Place or Employment.

7. ' That the great Affairs of the Kingdom may not be concluded or transacted by the Advice of private Men, or by any unknown or unsworn Counsellors; but that such Matters as concern the Public, and are proper for your Majesty's Privy-Council, shall be debated and concluded by such of the Nobility and others as shall be recommended to that Place by Parliament; and such other Matters of State as are proper for this High Court of Parliament, which is your Majesty's great and supreme Council, shall be debated, resolved, and transacted only in Parliament, and not elsewhere; and such as shall presume to do any Thing to the contrary, shall be referr'd to the Censure and Judgment of Parliament.

8. ' That no Person whatever, under the Penalty of High Treason, to be enacted by Parliament, shall presume to make, entertain, solicit, or further any Propositions or Treaty for the Marriage of any of the King's Children, with any Prince or Person of the Popish Religion; that no Marriage for any of the King's Children may be con-

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‘ cluded with any other Prince or Person whatsoever, without the Advice and Consent of both Houses of Parliament.

9. ‘ That none of the King’s Children, except the Princess *Mary*, already affianced, may, at any Time, go beyond the Seas without the Consent of both Houses of Parliament; and that no Person, under the Penalty of High Treason, to be enacted by Parliament, shall advise, assist, or attend any of his Majesty’s Children in such Voyage beyond the Seas, without the like Consent of both Houses of Parliament.

10. ‘ That such Popish Priests as are already condemned, may be forthwith executed; and such as shall hereafter be condemned, may likewise be executed according to Law.

11. ‘ That no Mass, or Popish Service, be sung or said in the Courts of the King, Queen, Prince, or the House of any Subject in this Kingdom; and that none of your Majesty’s Subjects, or Servants to your Majesty, the Queen, or any of your Children be present at Mass, or in any other Service of the Church of *Rome*, or in any Place whatsoever, under the Penalty of losing his Office and Service; over and above the other Penalties already enjoined by Law.

12. ‘ That some more effectual Courses may be enacted, by Authority of Parliament, for the better Execution of the Laws against Papists, for the preventing of feign’d Conformity, and disabling them from making any Disturbances in the State.

13. ‘ That the Votes of the Popish Lords in the House of Peers be taken away by Act of Parliament.

14. ‘ That a due Reformation may be made of the Church-Government and Liturgy by the Parliament, and an able preaching Ministry may be established in all Parts of this Kingdom; for which Purpose they intend to be assisted with the Advice of such godly and learned Divines, as shall be agreed on by both Houses of Parliament.

15. ‘ That

15. ' That it may be establish'd, by Act of Par-
liament, That no Person shall incur any Penalties or Punishment for any Omission of the Ceremonies in the Liturgy and Rubric, untill the intended Reformation be made by Parliament; and that such Ceremonies, as are not established by Law, may forthwith be wholly taken away.

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16. ' That such Delinquents, as stand charged in Parliament, for any Offence against the Peace and Liberty of the Kingdom or Privilege of Parliament, may be left to the Course of Justice; and such as have, or shall fly out of the Kingdom upon any such Charge, shall be subject to such Penalties and Forfeitures, as shall be agreed, and imposed by Bill, in both Houses of Parliament.

17. ' That such Persons, as shall be declared in Parliament to adhere to any such Delinquents, and have thereupon any Preferment from your Majesty, shall be removed from those Preferments; and that such as shall be declared, by both Houses of Parliament, to have been employed or used as Witnesses against Delinquents, and have thereupon fallen into your Majesty's Displeasure, and been put out of their Places, shall be restored to their Places, and to your Majesty's Favour.

18. ' That every Person which, being a Member of the House of Commons in this present Parliament, hath been accused of any Offence against that House; and, that Accusation depending, hath been called up to the House of Lords, in the Quality of a Peer, shall, by Act of Parliament, be put out of that House; and that, hereafter, no Member of the House of Commons, except in case of Descent, may, without their Consent, be call'd up to be a Peer in the Lords House.

19. ' That no Person, which shall hereafter be made a Peer of this Realm, shall be admitted to have his Seat or Vote in the House of Peers, without the Consent of both Houses of Parliament.

20. ' That those Members of the House of Commons, who have, this Parliament, been called to the House of Peers, except in case of Descent, may

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may be excluded from giving their Votes in the House of Peers, unless both Houses of Parliament shall assent thereunto.

21. That no Member of either House of Parliament may be preferred, or displaced, sitting the Parliament, to or from any Office in the Court of the King, Queen, or Prince, or about any of the King's Children or public Place of Trust in the Commonwealth, or to or from the Benefit of such Place or Places, without Consent of that House whereof such Person shall be a Member.

22. That such Persons, of either House of Parliament who have been preferred to any such Offices or Places, during this Parliament, may be put out of those Offices and Places; and that those Members of either House of Parliament, who, during the Parliament, have been put out of any such Offices, Places, or the Benefit thereof, may be restored again to those Places and Offices, and to the Benefit thereof, upon Petition of that House whereof they are Members.

23. That no Office or Employment concerning the Justice and Government of the Kingdom, or your own Revenue, or Degrees of Serjeant at Law, or Custody of any Fort or Castle, or Place of Trust, be sold or bestowed for Money to be paid to your Majesty, or the Use or Benefit of any of your Servants, or any other; and that it be declared in Parliament to be a Breach of Trust and Duty, both to your Majesty and the Commonwealth, in any of those who, under your Majesty, shall have the bestowing of any such Place, to take Money for the same, either directly or indirectly, by himself or others; and that the Laws in Force against selling of Offices, be duly observed for the Time to come, and the Penalties thereby incurr'd not to be discharg'd by any *Non obstante* or Dispensation; but that Men may be preferred for their Ability, Merit, Experience, and other public Respects; the People eased of all excessive Fees, and unnecessary Delays; and the

* the Proceedings of Justice made more easy, certain, and indifferent, than of late they have been. An. 18. Car. I.
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24. ' That your Majesty would be pleased to discover the Names of those Persons who advised your Majesty to issue out Warrants for the sealing of the Chambers and Studies of the Lord *Kimbolton*, or of any Member of the House of Commons; and to send their Serjeant at Arms to the House of Commons to demand some of their Members; to issue out several Warrants under your Majesty's own Hand to apprehend those Members; your Majesty's coming thither in your own Royal Person; the setting forth of a printed Paper, in the Form of a Proclamation, to apprehend those Members; the exhibiting of Articles of Treason in the Lords House against those Members; and who advised and contrived these Articles, or informed your Majesty of the Matter therein contained. April.

25. ' That your Majesty will be pleased, according to Law, not to receive any private Information or Suggestion against any Member of Parliament, for Things done in Parliament; and that you will be pleased to discover the Names of those Persons who have given, or shall give, any such private Information or Suggestion to your Majesty, upon the humble Petition of the respective Houses of Parliament, against whose Members any such private Information or Suggestion have been, or shall be, given; and that you would be pleased to make a public Declaration and Promise, in Parliament, to that Purpose.

' These Things being obtained and confirm'd by your Majesty's princely Favour and Goodness, they humbly conceive that, thro' the Blessing of God, it will be an assured and effectual Means to remove all Jealousies and Distempers betwixt your Majesty and your People, and to establish your Royal Throne upon the sure Foundation of their Love and Confidence; and thereupon your dutiful and loyal Subjects shall most chearfully address themselves, with their Lives and Fortunes, to
' main-

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‘ maintain and defend your Sacred Person, and your
 ‘ Royal Power and Authority; in a Parliamentary
 ‘ Way to support and supply your Majesty in so free
 ‘ and large a Manner, as may make you as great
 ‘ and happy a Prince as any of your most renown’d
 ‘ Ancestors; and, upon all Occasions, they shall be
 ‘ ready to use their utmost and most faithful Endeavours, that your Majesty, your Royal Queen and
 ‘ Princely Issue, may enjoy all Honour, Happiness,
 ‘ and Contentment in the Midst of an humble, obedient, and affectionate People; whereby a hopeful
 ‘ Way will be opened for your Majesty to become a glorious Instrument of the Peace and Prosperity
 ‘ of this Kingdom, and of all your Friends and Allies abroad.’

Mr. Pymme’s
 Speech thereupon.

After this his Lordship further reported, ‘ That Mr *Pymme* said, He was commanded by the Knights, Citizens, and Burgeesses of the House of Commons, to present this Declaration, of the Causes and Remedies of the Mischiefs of these Times, to their Lordships; such as require a present Remedy rather than a Declaration, and afterwards to say something to prepare your Lordships Consent to it. He said, The Mischiefs have been expressed with more Danger and Violence than many Ages heretofore, and therefore your Lordships will not wonder that something extraordinary be in the Cure; yet the House of Commons say they have kept themselves within the Bounds of their Duty and Modesty, as such who are for the Advantage of the King as well as of the Subject. He said, If these Causes and Remedies be duly considered, in relation to the great Distractions of the Kingdom, your Lordships would think all of them necessary and important, and most of them without Exceptions; yet he was commanded to touch upon the principal Matters, and remove some Objections; which he would do in a few Words, as speaking to those whose Reasons would prevent Discourses.

The first Objection is, *The naming of ill Counsellors, which might seem as an Encroachment upon the Pre-*

Prerogative; which the Campons, as well as your Lordships, will be tender of, so far as it stands with the Public Good, Peace, and Safety of the Kingdom, for which all Power and Government is framed.

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Answer, 1. 'That antiently, by the Laws of this Kingdom, the great Offices of the Realm were to be settled no other Way, but with Consent of Parliament: If the great Places are so, it is not strange the lesser should.

2. 'There is but a Recommendation required; they have their Authority still from the King. 'Tis known that private Advisers are heard, who deserve not the Credit which both Houses of Parliament are of; and so long as these are done by the King's Grant, it affirmeth, not opposeth, his Prerogative.'

The second Objection is to another Head of the first Article, *That all Officers should be put out, the Innocent as well as the Nocent: This may seem hard.*

Answer, 1. 'But this is done to avoid personal Taxes, that they may go off in a general Throng, who have not deserved well.

2. 'It will be a Means for the more wary Carriage of those, who are not yet so clear as to get a Confidence with the Subjects.'

The third Objection is to the Articles, *That all Jesuits and Papists should be remov'd from the Queen. This is liable to an Objection of debarring the Queen from the Exercise of her Religion, and that it is against the Public Treaty and Faith given; and so may draw some Dishonour, and may be an Occasion of Enmity against us.*

Answer. 'That the House of Commons considered that the Law of God, and the Law of the Land, was only fit for the Representatives of the Body of the Kingdom the House of Commons, and the Lords the hereditary Judges of this Realm, to judge of; for if there must be Idolatry against the Law of God, it concerns them much to resist it, lest they should incur the Divine Wrath; and nothing concerns them more than to see the Laws

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1642. 'displease Man, we shall not God.

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'For the Public Faith and League, it is less than
'with God; we must respect the higher, and not
'the lower; no Contract can oblige against the
'Law of God, neither can any Contract bind us
'against the Law of this Kingdom.'

The *fourth* Objection is, *The Queen's taking an Oath.*

Answer. 'The House of Commons desire it may
'be considered how great and how necessary a De-
'fire this is: For the Power she hath had, in dis-
'posing of Offices, is known to all your Lordships;
'and to avoid this they can have no other Remedy
'but some Bond and Tie upon her Conscience.
'This will argue the Solemnity of these Desires;
'and this, though it be unusual, the Cause is so;
'the like urgent Occasions, since the Conquest, we
'have not had as now.'

The *fifth* Objection is to that which concerned
the Marriage of the King's Children.

Answer. 'That we never were in any Condition
'which so pressed us to desire this, as now; and,
'having found so much Danger by Marriage with
'a contrary Religion, we should do what we might,
'to avoid the like for the future; therefore it is ne-
'cessary that we deal advisedly in this. The Chil-
'dren of the King are his, yet they are the Chil-
'dren of the Kingdom also, and the Law looks
'more to them than to private Men's Children; and
'yet even those the Laws may restrain for avoiding
'public Inconvenience. He said, Your Lordships
'see Religion almost gone within these two Years,
'and if this Parliament be not a Means to prevent
'it, it will be gone indeed; and therefore, with re-
'lation to Religion, this Article is necessary.'

The *sixth* Objection is, *The Restraint of making Peers, and that those, who were Members of the House of Commons, should be removed to that House.*

Answer. 'The House of Commons conceive it
'agreeable to the Nature of Parliament, which as
'it

‘ it is fit for your Lordships to desire none should be made, but by your Consents, so will the House of Commons desire, for themselves, that none of their Body may be taken away, but by their Consent; and in the Case of Assistants in the Peers House, taken from the House of Commons, they have been remanded by that House in several Cases.’

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These are all the particular Objections concerning the general Objection, *That seeing most of these cannot be done without a Bill, why is this Way taken of a Declaration?*

Answer. ‘ That the Necessity of the Times will not wait for the passing of sundry Bills, which must take up some Time; but it will be a great Comfort to the Kingdom to have the King’s Assent before-hand; and it will much conduce to the settling the Minds of Men.’

This Report being ended, it was ordered, That the Matter of it be taken into Debate the next Morning. But we hear no more of this Declaration for some Time; the Substance of it was, afterwards, converted into Nineteen Propositions, which were sent to the King, and will fall in their proper Place.

April 2. This Day the House of Lords was called over, after which a Message from the Commons was received, consisting of several Articles, one of which was an Order of that House, to authorize Sir John Hotham, Governor of *Hull*, to suffer the Magazine of Arms and Ammunition there, to be embark’d and brought to *London*; to which they desired their Lordships Concurrence. The Lords agreed that this was requisite to be done; but resolved, on the Question, To have a Conference with the Commons, and propose it to them: That the King might be petitioned to give Leave for it, and to present his Majesty with some Reasons for the same.’

Order for bringing the Magazine at *Hull* up to *London*.

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Proceedings against Edward Sandeford for aspersing the Parliament.

Information being given to the Lords, That *Edward Sandeford*, a Taylor of *London*, had said, That the Earl of *Essex* was a Traitor; that all the Parliament were Traitors; that the Earl of *Warwick* was a Traitor, and wished his Heart in his Boots; and that he cursed the Parliament, and wished Mr. *Pymme* (calling him *King Pymme*) and Sir *John Hotham* both hang'd; the said *Edward Sandeford* was brought to the Bar, and asked what he had to alledge in his Defence; but not being able to disprove the Charge, he and the Witnesses against him were ordered to withdraw. Then the House agreed to the following Sentence against him:

1. *That the said Edward Sandeford should be fined to our Sovereign Lord the King, in the Sum of one hundred Marks.*

2. *That he shall stand on the Pillory in Cheap-side and Westminster, with a Paper on his Head declaring his Offence.*

3. *That when he shall be taken off the Pillory, in each Place, he shall be whipped from thence at a Cart's Tail; the first Day to the Fleet, and the second Day to Bridewell.*

4. *That he shall stand committed to the House of Correction in Bridewell, there to be kept to work during his Life.*

The Lord-Keeper acquainted the House, that he had received a Message from the King, as an Answer to the Desires of both Houses concerning the Earl of *Warwick's* being made Commander of the Fleet; which was read *in hæc Verba*:

CHARLES R.

Right Trusty and Well-beloved Counsellor, we greet you well,

The King refuses to let the Earl of *Warwick* command the Fleet:

WE wonder both at the Form and Matter of that inclosed Paper ye sent us, (in the Name of both Houses of Parliament, in yours of the twenty-eighth of March) it being neither by way of Petition, Declaration,

tion, or Letter; and, for the Matter, we believe it is the first Time that the Houses of Parliament have taken upon them the Nomination or Recommendation of the chief Sea Commander; but it adds to the Wonder, that Sir John Pennington, being already appointed by us for that Service, upon the Recommendation of our Admiral, which is so well known that none can be ignorant of it, and no Fault so much as alledged against him, another should be recommended to us; therefore our Resolution upon this Point is, That we will not alter him whom we have already appointed to command this Year's Fleet, whose every way Sufficiency is so universally known; the which we are confident our Admiral, if there shall be Occasion, will make most evident; against whose Testimony we suppose our Parliament will not except. And tho' there were yet none appointed, or the said Sir John, thro' some Accident, not able to perform the Service, yet the Men of that Profession are so well known unto us, besides many other Reasons, that, our Admiral excepted because of his Place, Recommendations of that Kind would not be acceptable to us^r.

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Given at our Court at York, the last of March, 1642.

The first Thing the Lords did, after reading this Message, was to order it to be communicated to the Commons; the Earl of *Warwick* was next desired to be present in Parliament, as a Peer of this Realm, on *Monday* the fourth of *April* next. Soon after a Message was brought from the Lower House, by Sir *Henry Vane, jun.* to desire their Lordships to join with the Commons, to require the Earl of *Northumberland*, Lord-Admiral, to depute the Earl of *Warwick* to command this Summer's Fleet in Chief; and that they would enjoin the said Earl forthwith to undertake the Charge, and put to Sea immediately; but this was deferred to be considered of on the *Monday* next, to which Day they adjourned. And then,

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^r Sir John Pennington had the Command of the Fleet sent to Rochelle, Anno 1625.

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April 4. The foregoing Affair was taken into Consideration, and, after some Debate, it was resolved, on the Question, That the Lord-Admiral should depute the Earl of *Warwick* as chief Commander of the Fleet, &c. the following Lords entering their Names as a Protest against it :

<i>Marquis of</i> HERTFORD,	<i>Lord</i> MOWBRAY,
<i>Earl of</i> BATH,	<i>Lord</i> WENTWORTH,
<i>Earl of</i> DEVON,	<i>Lord</i> HOWARD de Charl-
<i>Earl of</i> MONMOUTH,	ton,
<i>Earl of</i> BERKSHIRE,	<i>Lord</i> SAVILE,
<i>Earl of</i> CLEVELAND,	<i>Lord</i> SEYMOUR,
<i>Earl of</i> DOVER,	

But he is required
to do it by the
Parliament.

After this the Lord-Admiral declared his Consent to the Desire of both Houses to appoint the Earl of *Warwick*; because, he said, it would be for the Safety of his Majesty and the whole Kingdom; and the Earl readily submitted to undertake the Command. Then it was resolved that something should be drawn up for their Indemnity, and a Committee was appointed accordingly.

Mr. Benyon's
Answer to his
Impeachment.

Next, *Mr. Benyon* delivered in his Answer to the Impeachment of the Commons, of the 31st of *March*, importing, His Denial of having preferred the Petition there mentioned, with any Intent to cross or hinder the Ordinance of Parliament concerning the City Militia; or much less to set Division between the Parliament and the City, &c. He own'd that he and one *Robert Gardiner*, Merchant, did draw the said Petition, and that divers Citizens did subscribe the same; but denied that it was wickedly or maliciously contrived; or that he, by false and sinister Persuasions, did go about to procure any Citizen to subscribe, contrary to their own Intention and true Meaning. That he, being a Freeman and Citizen of *London*, had taken an Oath to defend and maintain the Franchises and Customs of the same; and, for above 30 Years, had observ'd that the making and allowing of Captains, and ordering of the Train'd Bands and Arms within

within the said City, were, from Time to Time, directed and disposed by the Lord Mayor and Aldermen, and done by Warrant of the Lord Mayor for the Time being, and not otherwise. Therefore this Defendant, conceiving himself bound by the said Oath, and not upon any wicked or malicious Principles, did draw the said Petition, which he afterwards laid before learned Counsel, by whom the same was approved, &c. That as to the Words charged in the Impeachment, to be spoken by him against the Parliament and their Privileges, he denied them; and said, that he never spoke any other Words than such as were lawful and necessary to be used in prosecuting the Petitions, which had been some Time before preferred to Parliament, touching the granting of Protections, &c. and on which a Bill was then depending in the Upper House. He denied, also, the Words charged on him for hindering the Loan of Money for the Public Use, and all other Circumstances relative thereto.

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This Answer being read, the Lords ordered the further Hearing of this Cause to be at the Bar of their House, on *Wednesday* Morning next, being the 6th Inst.

April 5. The Declaration brought up from the Debate on the House of Commons by Mr. *Pymme*, and reported by the Lord *Roberts* on the first of this Month, containing a Collection of Evils and Grievances in the Government, with the Remedies proposed for the Cure of them, was this Day read before the Lords: When a Debate arose upon the first Article of the Remedies, which was, 'To remove every Privy Counsellor and great Officer of State, (except Offices by Inheritance) that was not approved on by Parliament; and to debar the King from taking any other, for the future, without their Approbation, &c.'

A Motion being made, and the Question put, That this House shall join with the Commons in petitioning the King to give his Royal Assent to this Article, as one of the Remedies to cure the

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<i>Marquis of HERTFORD,</i>	<i>Lord MOUBRAY,</i>
<i>Earl of BATH,</i>	<i>Lord STRANGE,</i>
<i>Earl of DEVON,</i>	<i>Lord GREY,</i>
<i>Earl of MONMOUTH,</i>	<i>Lord WENTWORTH,</i>
<i>Earl of BERKSHIRE,</i>	<i>Lord HOWARD de Charl-</i>
<i>Earl of WESTMORE-</i>	<i>ton,</i>
<i>LAND,</i>	<i>Lord SAVILE,</i>
<i>Earl of CLEVELAND,</i>	<i>Lord COVENTRY,</i>
<i>Earl of DOVER,</i>	<i>Lord CAPEL,</i>
<i>Earl of PORTLAND,</i>	<i>Lord SEYMOUR.</i>

Proceedings in
the Trial of Mr.
Benyon.

April 6. This Day the Lords proceeded in the Trial of *George Benyon*, and the Committee of the House of Commons being come up, he was brought to the Bar as a Delinquent; when Mr. Serjeant *Wylde* desired that the Impeachment against the said *Benyon* might be again read; after which Mr. *Glynne* opened Part of his Charge, which he made to consist of two Articles.

1. ' *George Benyon*'s maliciously contriving, sub-
'scribing, procuring, and getting Hands to a false,
'dangerous, and seditious Petition, containing there-
'in divers false, scandalous, and seditious Matters.
2. ' For speaking divers false and scandalous
'Speeches in Derogation of the Privilege of Par-
'liament.'

To prove the first, these Witnesses were produced, and deposed as follows :

Henry Moss, Scrivener, said, ' That Mr. *Robert Gardiner* brought the Petition to his Shop to be subscribed, and *George Benyon* brought many Persons along with him to subscribe the same. That he appeared in it more than any other, coming four or five Times a Day, to inquire how the Subscription went forward. He further said, That he subscribed the said Petition himself, because he heard *George Benyon* say that it was approved of by Counsel. And he asking *Benyon* if it was not too late to present the said Petition to Parliament, now that
the

the Ordinance for the Militia was settled, he answered, It was not.

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Edmund Harvey said, 'He went with Mr. *Benyon* to see the said Petition, at *Moss's* Shop; and, after he had read it, he told *George Benyon* he would not subscribe it, because it was full of Untruths; for the Lord Mayor hath no Power over the Militia, because he cannot draw out any of the Train'd Bands, on *Shrove-Tuesday*, without Authority from the King; and further he told *Benyon*, He heard the Ordinance for settling the Militia was pass'd already in Parliament; and therefore thought it would come too late. *Benyon* answered, That he had taken Mr. Recorder's Opinion on the Petition, and he thought it right; and said, It would not come too late.'

Symon Edmonds and *John Offley* deposed much to the same Purpose with the former; and for the Words, there was only *Robert Stevens* produced to prove them.

After this Mr. *Glynne* observed, 'That the Time when the Ordinance for the Militia passed in Parliament, was the ninth of *February* last, and the Discourse concerning this Petition was on the nineteenth. That the Time when *George Benyon* presented this seditious Petition was, when both Houses had declared that the Kingdom was in imminent Danger. The Consequence of this ill Example was, That other Counties had taken the same Boldness to contrive Petitions of this Nature; and the King's Answer, of *February* the twenty-eighth last, had succeeded it. For these great Crimes and Misdemeanors the Committee desired, in the Behalf of the House of Commons, that their Lordships would give some severe Judgment against the said *George Benyon*.'

Mr. *Benyon* then made it his humble Desire, That he might answer by his Counsel; and that the same Witnesses, which were produced now against him, might be present when his Defence was made; and he to have Liberty to cross-examine them; which

Ap. 18. Car. I. was granted, and ordered that this Cause be further proceeded in at Three this Afternoon.

1642.
April.

Post Merid. The King's Commission was read, in Form, for passing a Bill *To explain the Act for the effectual reducing of the Irish Rebellion.*

The House of Commons sent up a Message to inform the Lords, That Sir *Edward Dering*, being committed to the Custody of the Serjeant, had made his Escape: They therefore desired that some speedy Course might be taken to stop him at the Ports and bring him back; which the Lords ordered accordingly. They then proceeded in Mr. *Benyon's* Cause; when divers Witnesses were produced to shew, That there was nothing of Sedition nor Malice in Mr. *Benyon*, in the Management of the Petition, as is charged; but that, by the Command of the Lord Mayor, he advised with the Recorder about it, who approved of it both for the legal and customary Part. He likewise shewed, That the Practice had been for the Lord Mayor of *London* to make Choice of the Train'd Bands belonging to the City.

To the *second* Part of his Charge, concerning scandalous Words, he proved, by four other Witnesses, That he spoke no such Words as were charged against him.

April 7. This Day the Lords took into serious Consideration the Impeachment of the Commons against *George Benyon*, and likewise his Answer and Defence; and, after several Questions, at last resolved on the following Sentence against him:

The Sentence
against him.

1. *That the said George Benyon, for the first Offence charged, (the second for Words being drop'd) shall be disfranchised the City of London.*
2. *That he shall for ever, hereafter, be incapable of bearing any Place or Office in the Commonwealth.*
3. *That he shall be fined 3000 l. to the King.*
4. *That he shall be imprisoned in the Castle of Colchester for two Years; and, after that Time, to find such*

such Sureties for his Behaviour as this House shall think fit. An. 18. Car. 1.
1642.

All which Sentence, in the Presence of the Commons, was pronounced against him.

} April.

The same Day, also, the Commons sent up an Impeachment against Sir *William Wilmer*, Knight, then High Sheriff of the County of *Northampton*, for high Crimes and Misdemeanors, for breaking the Privileges of Parliament, and for endeavouring to disturb the Peace of the Kingdom by seditious Words and Actions.

The principal Complaint against this Gentleman was, for publishing, by Virtue of his Majesty's Warrant, a printed Book, intitled, *Several Petitions and Messages of Parliament, concerning the Militia of the Kingdom, with his Majesty's Answers thereto*, and granting a Warrant of his own to enforce it. All which the said Gentleman had confessed; but the farther Consideration of this Affair was deferred to another Time.

April 8. The Commons sent up, *inter alia*, an Order concerning reforming some Innovations in the Church, to which they desired their Lordships Concurrence. The Order was to this Effect:

‘That the Lords and Commons did declare, That they intended a due and necessary Reformation of the Government and Liturgy of the Church, and to take away nothing, in the one or the other, but what shall be evil and justly offensive, or, at least, unnecessary and burdensome; and for the better effecting thereof, speedily to have Consultation with godly and learned Divines. Likewise to establish learned, preaching Ministers, with good and sufficient Maintenance, throughout the Kingdom, &c.’
Order concerning a further Reformation in the Church.
 Agreed to, and afterwards ordered to be printed.

A Conference was held this Day between the two Houses, the Report of which was, ‘That the

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‘a Lord *Clarendon* says, That the Reasons of Mr. *Benyon's* being committed to *Colchester* Goal was, Because his Reputation was so great in *London*, that they would not trust him in a City Prison.

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April,

A Conference about removing the Garrison of Hull.

Commons did not see any Reason to alter their Resolution for removing the Arms and Ammunition from *Hull* to *London*; it being so far remote, and the King at such a Distance, it would retard the Business to send to him, and Delay would prove very prejudicial to so important a Business as required Haste: The Kingdom was at that Time in imminent Danger, and the North Part of it they conceive to be in the most: That it was a great Charge to keep a Garrison of 900 Men in that Town; and it would be fruitless to send to his Majesty about it, as they conceive, having had so many Denials of late of their just Demands.'

The Lords enter'd into a Debate on this Message, and it was resolved, upon the Question, to adhere to their former Vote concerning *Hull*; which was, not to remove the Magazine there without the King's Consent,

April 9. This Resolution being communicated to the Lower House, they desired, the next Day, another Conference on this Subject; in the mean while the Lords appointed a Committee to draw up some Reasons to offer to the Commons, for their Refusal to join with them in this last Affair; which were to this Purpose;

'That as it had ever been the Course which, in Cases of like Nature, the Houses have formerly used, the Lords do conceive it convenient to observe the same in this Particular; because they find there is that Malignity in the Counsels and Endeavours of many ill-affected Persons, that they seek and wait for nothing more than Occasion to asperse the Proceedings of Parliament; which evil and dangerous Practice will, by this Way, be best prevented.'

These Reasons being made known to the Commons, they, at last, agreed to join with the Lords in an humble Petition to the King, to remove the Magazine from *Hull*; which was done accordingly, But, at the same Time, they annexed to it another Petition, That the six Popish Priests, who had now lain long under Condemnation, might be executed.

Mr,

Mr. Lenthall, the Speaker of the House of Commons, having complained to that House, that his strict and long Attendance on them had very much hurt him, both in his Body and Estate, 6000*l*. were this Day voted as a voluntary Gift to him; which, tho', they said, it was but a small Recompence to him, yet, hereafter, they would be ready to express a further Thankfulness. Hereupon the Speaker rose up, and returned his Thanks to the House; assuring them that as he had hitherto done, so he would continue to serve them to the best of his Abilities.

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April.

April 11. The Lord-Keeper delivered a Letter, directed to himself, from the King, and another inclosed to the Lords; the latter of which was instantly read *in hæc Verba*:

HIS Majesty, being grieved at the very Soul for the Calamities of his good Subjects of Ireland, and being most tenderly sensible of the false and scandalous Reports dispersed amongst the People, concerning the Rebellion there; which not only wounds his Majesty in Honour, but likewise greatly retards the reducing of that unhappy Kingdom, and multiplies the Distractions at home, by weakening the mutual Confidence between him and his People; out of his pious Zeal to the Honour of Almighty God, in establishing the true Protestant Profession in that Kingdom, and his Princely Care for the Good of all his Dominions, hath firmly resolved, with all convenient Speed, to go into Ireland, to chastise those wicked and detestable Rebels; (odious to God and all good Men) thereby so to settle the Peace of that Kingdom, and the Security of this, that the very Name of Fears and Jealousies may be no more heard of amongst us.

The King's Proposal to go into Ireland, to suppress the Rebellion there.

As his Majesty doubts not but that his Parliament will chearfully give all possible Assistance to this good Work; so he requires them, and all his loving Subjects, to believe that he shall, upon these Considerations, as earnestly pursue this Design, not declining any Hazard of his Person in performing that Duty which he oweth

An. 18. Car. I. 1642. *oweth to the Defence of God's true Religion, and his distressed Subjects) as for these and only these Ends he undertakes it; to the Sincerity of which Profession he calls God to witness; with this farther Assurance, That his Majesty will never consent, upon any Pretence whatsoever, to a Toleration of the Popish Profession there, or the Abolition of the Laws now in Force against Popish Recusants in that Kingdom.*

April.

His Majesty hath further thought fit to advertise his Parliament, that, towards this Work, he intends to raise forthwith, by his Commissions, in the Counties near West-Chester, a Guard for his own Person, (when he shall come into Ireland) consisting of 2000 Foot and 200 Horse, which shall be arm'd at West-Chester from his Magazine at Hull: At which Time all the Officers and Soldiers shall take the Oaths of Supremacy and Allegiance. The Charge of raising and paying whereof his Majesty desires his Parliament to add to their former Undertakings for that War, which his Majesty will well accept; but if their Pay be found too great a Burden to his good Subjects, his Majesty will be willing, by the Advice of his Parliament, to sell or pawn any of his Parks, Lands, or Houses towards the Supplies for the Service of Ireland: With the Addition of these Levies to the former of English and Scots agreed upon in Parliament, he hopes so to appear in this Action, that, by the Assistance of Almighty God, in a short Time that Kingdom may be wholly reduced, and restored to Peace and some Measure of Happiness; whereby he may cheerfully return to be welcomed home with the Affections and Blessings of all his good English People.

Toward this good Work, as his Majesty hath lately made Dispatches unto Scotland, to quicken the Levies there for Ulster; so he heartily wishes that his Parliament here would give all possible Expedition to those which they have resolved for Munster and Conaught; and hopes the Encouragement which the Adventurers (of whose Interest his Majesty will always be very careful) will hereby receive, (as likewise by the late signing of a Commission for the Affairs of Ireland, to such Persons as were recommended to him by both Houses
of

of Parliament) will raise full Sums of Money for An. 18. Car. I. the doing thereof. 1642.

His Majesty hath been likewise pleased (out of his earnest Desire to remove all Occasions, which do unhappily multiply Misunderstandings between him and his Parliament) to prepare a Bill to be offered to them by his Attorney concerning the Militia; whereby, he hopes, the Peace and Safety of this Kingdom may be fully secured, to the general Satisfaction of all Men, without Violation of his Majesty's just Rights, or Prejudice to the Liberty of the Subject. If this shall be thankfully received, he is glad of it; if refused, he calls God and all the World to judge on whose Part the Default is. One Thing his Majesty requires, if this Bill be approved of, that if any Corporation shall make their lawful Rights appear, they may be reserved unto them.

April.

Before his Majesty shall part from England, he will take all due Care to intrust such Persons with such Authority in his Absence, as he shall find to be requisite for the Peace and Safety of this Kingdom, and the happy Progress of this Parliament.

This Message from the King was communicated to the Commons at a Conference this Day; and, soon after, that House sent up Word to the Lords, That they had taken the Message into Consideration; and, judging of it with their Lordships, that it was a Matter of great Importance, they agreed with them that it required Time to answer it. On which the Lords adjourned till the next Day at Two o'Clock.

April 12. The Earl of Essex, Lord-Chamberlain of the King's Household, acquainted the House, That having formerly received a Message from his Majesty, to give his Attendance upon him at York, their Lordships thought fit to command him to attend the great Affairs then depending in this House. Since which his Lordship had receiv'd another Letter from the King, either to attend him at York, or else to deliver the Ensigns of his Office to the Lord Falk-

An. 18. Car. I. *Falkland*, which his Lordship thought it his Duty to lay before the House. The Letter was read in these Words :

1642.

April.

Right Trusty and Well-beloved Cousin and Counsellor, we greet you well,

The King requires the Earl of *Essex* to attend him at *York*, or to quit his Office,

WE are so much unsatisfied with the Excuse you made for not obeying our Command, for your Attendance on us here, according to the Duty of your Place in our Household, that we thought good, by these our Letters, to second our former Command; and that you may be the more inexcusable, we have accompanied our said Command with our Licence and Dispensation inclosed for your Absence from Parliament, willing and commanding you, all Delays and Excuses set apart, to attend us here before the eighteenth of this Month, when we have appointed to keep St. George's Feast. Or, in case you shall persist in your Disobedience, we then require and command you to deliver up into the Hands of the Lord Falkland, one of our Principal Secretaries of State, for our Use, the Ensigns of your Office; which, when we last parted from Whitehall, you offered to resign to us, rather than you would, at that Time, as we commanded you, wait on us so far as Hampton-Court; but we did then, of our Grace and Favour, wish you to consider of it, in hopes you would, upon further Consideration, not have seconded that Disobedience.

Given at our Court at *York*, April the ninth, 1642.

And the Earl of *Holland* also,

The Earl of *Holland* next acquainted the House, That the King had sent him another Letter, to the same Purport as the former, either to attend his Majesty at *York*, as Groom of the Stole, or else to resign up the Ensigns of his Place to the Lord *Falkland*.

The two Earls then made a Narrative of the whole Business concerning their taking Leave of his Majesty at *Whitehall*, the Day he went to *Hampton-Court*; and how they were commanded by the Committee, who then sat at *Grocers-Hall*, in *London*,

don, about the great Business of the Kingdom, to attend that Committee ^p. They then desired to know, Whether the House would give them Leave to attend his Majesty at *York*, or not?

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The Lords went into a Debate on this Matter; and, afterwards, resolv'd to command the two Earls Attendance on this House, on the great and urgent Affairs now depending in Parliament, notwithstanding his Majesty's Letters and Dispensations; and they, obeying this Order, went forth and delivered up the Ensigns of their Places to the Lord *Falkland*. The Lord-Keeper *Littleton* was, first, appointed by the King for the ungrateful Office of demanding their Resignations; but, at his most earnest Intreaty, was excused; and so it fell upon the other as Secretary of State.

The Lords considering this Business to be a Matter of great Importance, as concerning the Honour and Privilege of Parliament; and that the Earls of *Essex* and *Holland* had done nothing but what they ought to have done, in obeying the Commands of the House, took it into serious Debate, and made the following Resolutions:

' *Resolved*, on the Question, *Nem. Con.* That the Attendance of the Earls of *Essex* and *Holland*, on this House, according to the Order of this House, is no Disobedience to the King's Command.

' *Resolved*, &c. That the Removing of the said Earls from their Places in Court, only because they obeyed the Orders and Commands of this House, in their Attendance here in Parliament, according to his Majesty's Writ of Summons to it, is against the Privileges of Parliament.

' *Resolved*, &c. That the King's Licence and Dispensation, under his Privy Signet and Sign Manual, for any Lord's Absence from Parliament, when the House shall command him to attend, cannot discharge his Attendance on the said House.

' *Resolved*, &c. That any Lords, disobeying the Commands of this House, to give his Attendance here,

^p See before, p. 210,

An. 18. Car. 1. here, notwithstanding any Licence or Dispensation, as aforesaid, is punishable by this House.'

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The last Resolution was to have a Conference with the House of Commons, about this Business; and a Committee was appointed to draw up Heads for the same.

Lord *Clarendon*^a gives a very minute Account of the King's Motives for this ill-timed Resentment against the two Earls: Adding, 'That if the Staff had remained in the Hands of the Earl of *Essex*, by which he was charged with the Defence and Security of the King's Person, he never would have been prevailed with to have taken upon him the Command of the Army, which was afterwards raised against the King, and with which so many Battles were fought; and that it had been very difficult, if not utterly impossible, for the two Houses of Parliament to have raised an Army then, if the Earl of *Essex* had not consented to be General of that Army.'

April 13. The Lord-Keeper signified to the Lords, That the Attorney-General had a Bill to offer to the House, by Command from the King, *For settling the Militia of the Kingdom*; and desired to know to whom he should deliver it. The Lords ordered two Serjeants at Law, then attending upon the House, to go to the Door, and bring it in; which they did accordingly.

The House then took into Consideration the King's last Message, about his going into *Ireland*, and, after a long and serious Debate, it was resolved, upon the Question, *Nem. Con.* 'That it is most dangerous and unsafe; and that this House cannot consent unto his Majesty's going to *Ireland*.'

And this Vote was ordered to be communicated to the Commons, with a Desire that they would appoint a Committee to join with one from the Lords, to take into Consideration this Vote and the King's Message, in all Points except that concerning the Militia.

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^a *History*, Vol. II. p. 476.

There having been hardly an Instance of an unanimous Negative being put on any Proposal from the King, in the House of Lords, the Motives to it on this Occasion may not be improper. The Noble Historian before cited tells us, *inter alia*, That the true Reasons which induced the prevailing Party to take this Step was, 'That, by the King's going into *Ireland*, the Managing of the War there would be taken out of their Hands; and so, instead of having a Nursery for Soldiers of their own, which they might employ as they saw Occasion; and a Power of raising what Money they pleased in this Kingdom under that Title, which they might dispose as they found most fit for their Affairs; the King would, probably in a short Time, recover one entire Kingdom to his Obedience, by which he might be enabled to preserve the Peace of the other two.— And that those who usually opposed their Advice, could not endure to think of staying in *England*, where the Power, at least for a Time, would be in them whose Government; they knew, would be terrible when his Majesty should be in *Ireland*.' An. 18. Car. I.
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April.

April 14. The House of Commons sent up to know when their Lordships would be ready to give Judgment against the Attorney-General. The Lords answered, They would take that Business into Consideration; and, when they had resolved what Judgment to give, they would appoint a Time for it.

April 15. The House of Lords was again called over, and it was ordered, That the Committee appointed to consider of the Absentees, do meet to advise what Fine was fit to impose upon those Lords who were absent, and no Excuse made for them.

This Day the Lord-Keeper reported the Effect of a Conference held Yesterday, 'That the Commons did return the Votes they had from their Lordships, concerning the Earls of *Essex* and *Holland*, agreed to by them, with some Alterations and Additions,

• *History*, Vol. II. p. 493.

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Additional Resolutions relating to the Earls of *Essex* and *Holland*.

ditions, to which they desired their Lordships Concurrence.

The most material of these were, That they had voted the sending Licences and Dispensations from the King, to discharge the said Earls from their Attendance on Parliament, was a high Breach of Privilege; and the Displacing of those Noblemen, at this Time and on this Occasion, was an Injury to the Parliament and the whole Kingdom.

‘*Resolved*, That what Person soever shall accept of either of those Offices, thus taken away, untill Satisfaction be given to the Parliament, shall be accounted to do an ignoble Act, and to offer an Affront to Parliament; and thereby render himself unworthy of any Place of Honour or Trust in the Commonwealth.

‘*Resolved*, That these Proceedings are the Effect of evil Counsel, to discourage good Men from doing their Duty; and tend to increase the Division between the King and his People, and to the Disturbance of the Peace of the Kingdom.’

All which additional Resolutions of the Commons were agreed to by the Lords.

The Lord-Keeper further reported, ‘That Mr. *Pymme* presented a Draught of a Petition to be sent to the King, containing some Reasons against his going into *Ireland*; which was read as follows:

May it please your Majesty,

A Petition from both Houses to the King, against his going to *Ireland*.

YOUR most loyal and faithful Subjects, the Lords and Commons in Parliament, have duly considered the Message received from your Majesty, concerning your Purpose of going into *Ireland*, in your own Person, to prosecute the War there with the Bodies of your *English* Subjects, levied, transported, and maintained at their Charge; which you are pleased to propound to us, not as a Matter wherein your Majesty desires the Advice of your Parliament, but as already firmly resolved on, and forthwith to be put in Execution; by granting out Commissions for the levying of 2000 Foot and 200 Horse for a Guard

Guard for your Person when you shall come into that Kingdom: Herein we cannot chuse but, with all Reverence and Humility to your Majesty, observe, that you have declined your great Council the Parliament, and varied from the usual Course of your Royal Predecessors; in that a Business of so great Importance, concerning the Peace and Safety of your Subjects, and wherein they have a special Interest by your Majesty's Promise, and by those great Sums which they have disbursed, and for which they stand engaged, should be concluded and undertaken without their Advice: Whereupon we hold it our Duty to declare, That if, at this Time, your Majesty shall go into *Ireland*, you will very much endanger the Safety of your Royal Person and Kingdoms, and of all other States professing the Protestant Religion in *Christendom*; and make Way to that cruel and bloody Design of the Papists, every where to root out and destroy the Reformed Religion; as the *Irish* Papists have, in a great Part, already effected in that Kingdom, and, in all Likelihood, would quickly be attempted in other Places, if the Consideration of the Strength and Union of the two Nations of *England* and *Scotland* did not much hinder and discourage the Execution of any such Design. And, that we may manifest to your Majesty the Danger and Misery which such a Journey and Enterprize would produce, we present to your Majesty the Reasons of this our humble Opinion and Advice:

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1. Your Royal Person will be subject not only to the Casualty of War, but to secret Practices and Conspiracies; especially your Majesty continuing your Profession to maintain the Protestant Religion in that Kingdom, which the Papists are generally bound by their Vow to extirpate.

2. It will exceedingly encourage the Rebels, who do generally profess and declare that your Majesty doth favour and allow their Proceedings, and that this Insurrection was undertaken by the Warrant of your Commission; and it will make
good

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‘ good their Expectation of great Advantage by
 ‘ your Majesty’s Presence, at a Time of so much
 ‘ Distraction in this Kingdom, whereby they may
 ‘ hope we shall be disabled to supply the War there;
 ‘ especially there appearing less Necessity of your
 ‘ Majesty’s Journey at this Time, by reason of the
 ‘ manifold Successes which God hath given us
 ‘ against them.

3. ‘ It will much hinder and impair the Means
 ‘ whereby this War is to be supported, and increase
 ‘ the Charge of it; and, in both these Respects,
 ‘ make it more insupportable to your Subjects: And
 ‘ this we can confidently affirm, because many of
 ‘ the Adventurers, who have already subscribed, do,
 ‘ upon the Knowledge of your Majesty’s Intentions,
 ‘ declare their Resolutions not to pay in their Mo-
 ‘ ney; and others, very willing to have subscribed,
 ‘ do now profess the contrary.

4. ‘ Your Majesty’s Absence must, necessarily,
 ‘ very much interrupt the Proceedings of Parlia-
 ‘ ment; and deprive the Subject of the Benefit of
 ‘ those further Acts of Grace and Justice, which
 ‘ they shall humbly expect from your Majesty, for
 ‘ the establishing of a perfect Union and mutual
 ‘ Confidence betwixt your Majesty and your People,
 ‘ and procuring and confirming the Prosperity and
 ‘ Happiness of both.

5. ‘ It will exceedingly increase the Jealousies
 ‘ and Fears of your People, and render their Doubts
 ‘ more probable, of some Force intended by some
 ‘ evil Counsels near your Majesty, in Opposition
 ‘ to the Parliament, and in Favour of the malig-
 ‘ nant Party of the Kingdom.

6. ‘ It will bereave your Parliament of that Ad-
 ‘ vantage, whereby they were induced to undertake
 ‘ this War, upon your Majesty’s Promise that it
 ‘ should be managed by their Advice; which can-
 ‘ not be done if your Majesty, contrary to their
 ‘ Counsels, shall undertake to order and govern it
 ‘ in your own Person.

‘ Upon which, and divers other Reasons, we
 ‘ have resolved, by the full and concurring Agree-
 ‘ ment

ment of both Houses, that we cannot, with the
 Duty which belongs to us, consent to any Levies,
 or raising of Soldiers to be made by your Majesty,
 for your intended Expedition into *Ireland*; or to
 the Payment of any Army of Soldiers there, but
 such as shall be employ'd and govern'd according
 to our Advice and Direction: And if such Levies
 shall be made by any Commission of your Majesty,
 not agreed to by both Houses of Parliament,
 we shall be forced to interpret the same to be raised
 to the Terror of your People, and Disturbance
 of the Public Peace; and hold ourselves bound,
 by the Laws of the Kingdom, to apply the Authority
 of Parliament to suppress the same.

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And we do further most humbly declare, That
 if your Majesty shall, by ill Counsel, be persuaded
 to go contrary to this Advice of your Parliament,
 which we hope your Majesty will not, we do not,
 in that Case, hold ourselves bound to submit to any
 Commissioners which your Majesty shall chuse;
 but do resolve to preserve and govern the Kingdom
 by the Counsel and Advice of Parliament,
 for your Majesty and your Posterity, according
 to our Allegiance and the Law of the Land.

Wherefore we most humbly pray and advise
 your Majesty to desist from this your intended
 Passage into *Ireland*, and from all Preparation of
 Men and Arms tending thereunto, and to leave
 the Managing of that War to your Parliament,
 according to your Majesty's Promise made unto
 us, and your Royal Commission granted under
 your Great Seal of *England*, by Advice of both
 Houses; in Prosecution whereof, by God's Blessing,
 we have made a prosperous Entrance by
 many Defeats of the Rebels, whereby they are
 much weakened and disheartened, and have no
 probable Means of Subsistence: And, if our Proceedings
 shall not be interrupted by this Interposition
 of your Majesty's Journey, we may hope,
 upon good Grounds, that within a short Time,
 without Hazard of your Majesty's Person, and so
 much dangerous Confusion to your Kingdoms,

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‘ which must needs ensue, if you should proceed in
 ‘ this Resolution) we shall be enabled fully to vindicate your Majesty’s Right and Authority in that
 ‘ Kingdom; punish those horrible and outrageous
 ‘ Cruelties which have been committed in the murdering and spoiling so many of your Subjects; and
 ‘ bring that Realm to such a Condition as may be
 ‘ much for the Advantage of your Majesty and this
 ‘ Crown, the Honour of your Government, and
 ‘ Contentment of your People: For the better and
 ‘ more speedy effecting whereof, we do again renew our humble Desires of your Return to your Parliament; and that you will please to reject all Counsels and Apprehensions which may any way derogate
 ‘ from that Faithfulness and Allegiance, which, in
 ‘ Truth and Sincerity, we have always borne and
 ‘ professed to your Majesty, and shall ever make good
 ‘ to the utmost, with our Lives and Fortunes.’

Resolutions occasioned in consequence thereof.

After the reading of this Petition, the Lords resolved, That they agreed with the Commons in the whole of it, excepting one Expression, which was in the Original, viz. *And to desert the Government and Protection of your People, in this Time of great Danger and Necessities of the Kingdom*; which, upon this Remonstrance, the Commons thought fit to expunge. Then the said Petition was order’d to be sent to the King at York, by the Earl of Stamford, Sir John Colepeper, and Mr. Anthony Hungerford.

Another Resolution of the Commons was read and agreed to by the Lords, which was, That, in respect of the great Fears and Distractions of this Kingdom, and for the Security of his Majesty’s good Subjects; and in regard that he has committed the managing of the War in *Ireland* to the Parliament; if any Man shall endeavour to raise Forces, for *Ireland*, otherwise, or continue any Forces so raised, without Consent of both Houses of Parliament, it is declared, That he is an Enemy to the State, and liable to the Censure of Parliament.’ This Vote to be sent to all Sheriffs, to suppress and hinder all those that shall endeavour to raise Forces contrary to it;

as,

as, also, to Sir John Hotham, at Hull, and to re-quire him to observe the Orders formerly given him.

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April 16. The Lord-Keeper acquainted the House, That he had received a Letter from the King, with a Message inclosed, which he was commanded to communicate to both Houses of Parliament. It was to this Effect :

WE rather expected, and have done so long, that you should have given us an Account why a Garrison hath been placed in our Town of Hull, without our Consent, and Soldiers billeted there against Law and the express Words of the Petition of Right, than to be moved (for the avoiding of a needless Charge you have put upon yourselves) to give our Consent for the Removal of our Magazine and Munition, (our own proper Goods) upon such general Reasons, as indeed give no Satisfaction to our Judgment: And since you have made the Business of Hull your Argument, we would gladly be informed, why our own Inclination, on the general Rumour of the Designs of Papists in the Northern Parts, was not thought sufficient Grounds for us to put a Person of Honour, Fortune, and unblemished Reputation, into a Town and Fort of our own, where our own Magazine lay; and yet the same Rumour be Warrant enough for you to commit the same Town and Fort, without our Consent, to the Hands of Sir John Hotham, with a Power unagreeable to the Law of the Land, or the Liberty of the Subject; and yet of this, in point of Right or Privilege, (for sure we are not without Privilege too) we have not all this while complained; and being confident that that Place (whatsoever Discourse there is of public or private Instructions to the contrary) shall be speedily given up, if we shall require it, we shall be contented to dispose our Ammunition there, as we have done in other Places, for the Public Ease and Benefit; as, upon particular Advice, we shall find convenient; tho' we cannot think it fit, or consent, that the whole Magazine be removed together; but when you shall agree upon such Proportions as shall be held necessary

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fary for any particular Service, we shall sign such Warrants as shall be agreeable to Wisdom and Reason: And if any of them be designed for Ulster or Leinster, you know well the Conveyance will be more easy and convenient from the Place they now are in. Yet we must tell you, that if the Fears are so great from the Papists at home, or of Foreign Force, as is pretended, it seems strange that you make no Provision of Arms and Munition for Defence of this Kingdom, rather than seek to carry any more from hence, without some Course taken for Supply; especially if you remember your Engagement to our Scots Subjects, for that Proportion of Arms which is contained in our Treaty. We speak not this, as not thinking the sending of Arms to Ireland very necessary, but only for the Way of the Provision; for you know what great Quantities we have assign'd out of our several Stores, which, in due Time, we hope you will see replenished. For the Charge of looking to the Magazine at Hull; as it was undertaken voluntarily by you at first, and, to say no more, unnecessarily; so you may free our good People of that Charge, and leave it to us to look to, who are the proper Owner of it: And this, we hope, will give you full Satisfaction in this Point; and that you do not, as you have done in the Business of the Militia, send this Message out of complemental Ceremony, resolving to be your own Carvers at last: For we must tell you, if any Attempt, or Direction, shall be made, or given, in this Matter, without our Consent or Approbation, we shall esteem it as an Act of Violence against us; and declare it to all the World as the greatest Violation of our Right, and Breach of our Privilege.

Concerning the six Priests condemned; it is true they were reprieved by our Warrant, being informed that they were, by some Restraint, disabled to take the Benefit of our former Proclamation: Since that we have issued out another for the due Execution of the Laws against Papists; and have most solemnly promised, on the Word of a King, never to pardon any Priest, without your Consent, which shall be found guilty by Law; desiring to banish these, having herewith sent a Warrant to that Purpose, if, upon second

Thoughts

Thoughts you do not disapprove thereof; but if you think the Execution of these Persons so very necessary to the great and pious Work of Reformation, we refer it wholly to you; declaring hereby, that, upon such your Resolution, signified to the Ministers of Justice, our Warrant for their Reprieve is determin'd, and the Law to have its free Course.^f

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And now let us ask you (for we are willing to husband Time, and to dispatch as much as may be under one Message; God knows the Distractions of this Kingdom want a Remedy) will there never be a Time to offer to, as well as to ask of, us? We will propose no more Particulars to you, having no Luck to please or be understood by you. Take your own Time for what concerns our Particular; but be sure you have an early speedy Care of the Public; that is, of the only Rule which preserves the Public, the Law of the Land; preserve the Dignity and Reverence due to That. It was well said in a Speech made by a private Person, but published by Order of the House of Commons this Parliament,^g The Law is that which puts a Difference betwixt Good and Evil, betwixt Just and Unjust. If you take away the Law, all Things will fall into Confusion; every Man will become a Law to himself; which, in the depraved Condition of human Nature, must needs produce many great Enormities: Lust will become a Law, and Envy will become a Law; Covetousness and Ambition will become Laws; and what Dictates, what Decisions, such Laws will produce, may easily be discerned. So said that Gentleman, and much more very well, in Defence of the Law and against arbitrary Power: It is worth looking over and considering. And if the most zealous Defence

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^f Lord Clarendon observes, 'That tho' the Parliament were well content, and desirous, that these condemn'd Priests should have been executed by the King's Warrant for taking off his own Reprieve; yet, for many Reasons, they were not willing to take that harsh Part upon Themselves; and so those Priests were no more prosecuted, and were much safer under that Reference for their Execution, than they could have been, at that Time, by a Pardon under the Great Seal of England.

Vol. II. 8vo. p. 490.

^g Mr. Pymme, at the Trial of the Earl of Strafford,

An. 18. Car. I. of the true Protestant Profession, and the most resolved Protection of the Law, be the most necessary Duty of a Prince, we cannot believe this miserable Distance and Misunderstanding can be long continued between us ; we having, often and earnestly, declared them to be the chiefest Desires of our Soul, and the End and Rule of all our Actions.

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For Ireland ; we have sufficiently, and we hope satisfactorily, expressed to all our good Subjects our hearty Sense of that sad Business, in our several Messages on that Argument ; but especially in our last of the eighth of this Month, concerning our Resolution for that Service ; for the speedy, honourable, and full Performance whereof, we conjure you to yield all possible Assistance and present Advice.

Which gives
great Offence to
both Houses.

After the reading of this Message, a Conference was desired with the Commons about it, being a Matter, as they termed it, of dangerous Consequence ; and a Committee of Lords were appointed to draw up Heads for that Purpose. These, soon after, brought in the following :

‘ To let the House of Commons know, that this House has resolved, That it is necessary the Magazine at *Hull* be removed to the *Tower of London* ; because they believe that those evil Counsellors, who advised this Answer, wherein there is a Threatening of the Parliament, and an unjust Charge of Violation of the Laws, have a Design to stay those Arms there ; that they may make Use of them to the Disturbance of the Peace of the Kingdom, and the Ruin and Subversion of it. To desire a Committee of both Houses may be appointed to draw up the Reasons, which induced the Houses to desire the Magazine might be removed from *Hull* ; resolving to publish them, with their Petition to the King, and his Answer to it.’

This Proposition was agreed to by the Commons.

Votes thereupon. *April 18.* Two Votes of the Commons were sent up to the Lords concerning *Hull*, to which they desired their Lordships Concurrence. The first

first was, 'To urge the Necessity of removing the Magazine there;' and the *second* was, 'To indemnify Sir *John Hotham* and his Son, and all other Persons under their Command, for doing what they had already done; and that they should have the Assistance of Parliament against any Inconveniences they might incur by yielding Obedience to their Command, in this necessary and important Service.' Agreed to; the following Lords dissenting, the Earls of *Bath*, *Monmouth*, *Cleveland*, and *Dover*, with the Lords *Mowbray*, *Grey*, *Howard*, and *Savile*.

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April 19. The Lords read a third Time, and passed, a Bill *For the ordering the Militia, in the Kingdom of England and Dominion of Wales*, the Earl of *Portland* only dissenting; and sent it down to the Commons, desiring their Expedition in it.

April 21. The House of Lords was again called over, and the Names of the Absentees were set down in the *Journal*. A Declaration, from both Houses, was order'd to be drawn up against Counter-Petitions concerning their Proceedings in regard to the Militia. This was done on account of the remarkable Petition of Mr. *Benyon* and that intended from the County of *Kent*, as before-mentioned. Lord *Clarendon* hereupon observes, That the Argument made use of in the House against those Petitions, and others of the like Kind, was, 'That no Man ought to petition for the Government established by Law, because he had already his Wish; but they that desir'd an Alteration could not otherwise have their Desires known; and therefore were to be countenanced.' ^h

An Order against
Counter-Peti-
tions.

April 22. A Letter from the Earl of *Stamford* to the Lord-Keeper was read, importing his Majesty's present Answer to the Parliament's last Petition to him, 'That he had thought something of it, and is much unsatisfied with many Expressions therein: That he would shortly send to his Parliament a

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particular Answer ; but, for the present, he was resolved to do nothing concerning the *Irisb* Journey untill they should hear from him again.

The Bill for settling the Militia having passed the House of Commons, with some Amendments and Alterations, it was sent back to the Lords, with a Desire that it might, immediately, be sent to the King for a Commission to pass it into a Law,

April 23. A Message was sent to the House of Commons, to let them know that their Lordships were ready to give Judgment against Mr. Attorney-General, if they would come, with their Speaker, to demand it. Accordingly the Commons being come up, and the Peers in their Robes, the Lord Chief Justice of the Common-Pleas, in the Absence of the Lord-Keeper, pronounced Sentence upon him as follows :

Sentence pronounced against the Attorney-General, in the Case of Lord Kimbolton, &c.

Whereas Sir Edward Herbert, Knt. his Majesty's Attorney-General, hath been impeached by the Knights, Citizens, and Burgeses of the House of Commons, for the advising, contriving, and publishing certain false, scandalous, and malicious Articles of High Treason against the Lord Kimbolton, one of the Members of the House of Peers; Sir Arthur Haselrigge, Knt. Denzil Holles, John Pymme, John Hampden, and William Strode, Esqrs. being then, and yet, Members of the House of Commons; and for causing Articles of High Treason to be entered into the Clerk's Book of the said House of Peers, which was done against the Privileges of Parliament, tending to the Subversion of the antient Rights and Being of Parliaments, and against the Liberty of the Subject, and contrary to his Oath and the Laws of this Realm:

The Lords, having taken the said Charge into due Consideration, do find him guilty of exhibiting the said Articles unto the House of Peers, and causing the same to be enter'd in the Clerk's Book of the said House; intending thereby falsely, unlawfully, and maliciously to deprive the said Houses of the said several Members;

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all which Doings were, and are, high Breaches of the Privileges of Parliament, tending to the Subversion of the antient Rights and Being of Parliaments, and contrary to the Liberty of the Subject, and are of great Scandal to his Majesty and his Government, and against the Laws of this Realm; for which Offences this High Court doth award and adjudge,

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1. That the said Sir Edward Herbert, his Majesty's Attorney-General, is, by Sentence of this House, disabled, and made incapable of being a Member-Assistant, or Pleader, in either House of Parliament, and of all Offices, saving that of Attorney-General, which he now holds.

2. That Mr. Attorney-General shall be forthwith committed to the Prison of the Fleet, during the Pleasure of this House.

April 25. The Lord-Keeper signified to the House, that he had received two Letters from the King, wherein were two Messages inclosed, which he was commanded to communicate to the House, and they were read accordingly. The first was this :

WE are so troubled and astonished to find the unexpected Reception and Misunderstanding of our Message, of the eighth of April, concerning our Irish Journey, that being so much disappointed of the Approbation and Thanks we looked for to that Declaration, we have great Cause to doubt, whether it be in our Power to say or do any Thing which shall not fall within the like Interpretation. But as we have, in that Message, called God to witness the Sincerity of the Profession of our only Ends for the undertaking that Journey; so we must appeal to all our good Subjects and the whole World, whether the Reasons alleged against that Journey be of Weight to satisfy our Understanding, or the Counsel presented to dissuade us from it be full of that Duty as is like to prevail over our Affections.

The King's Answer to the Parliament's Petition against his going to Ireland.

For our resolving of so great a Business without the Advice of our Parliament, we must remember you how often

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often, by our Messages, we made the same Offer, if you should advise us thereunto; to which you never gave us the least Answer; but in your late Declaration told us, That ye were not to be satisfied with Words; so that we had Reason to conceive you rather avoided, out of Regard to our Person, to give us Counsel to run that Hazard, than that you disapproved the Inclination. And what greater Comfort, or Security, can the Protestants of Christendom receive, than by seeing a Protestant King venture and engage his Person for the Defence of that Profession, and the Suppression of Popery, to which we solemnly protested, in that Message, never to grant a Toleration upon what Pretence soever, or an Abolition of any of the Laws there in Force against the Professors of it. And when we consider the great Calamities, and unheard-of Cruelties, our poor Protestant Subjects in that Kingdom have undergone for the Space of near or full six Months; the Growth and Increase of the Strength of those barbarous Rebels, and the evident Probability of foreign Supplies, if they are not speedily suppressed; the very slow Succours hitherto sent them from hence; that the Officers of several Regiments, who have long Time been allowed Entertainment from you for that Service, have not raised any Supply or Succour for that Kingdom; that many Troops of Horse have long laid near Chester untransported; that the Lord-Lieutenant of Ireland, on whom we relied principally for the Conduct and Managing of Affairs there, is still in this Kingdom; notwithstanding our Earnestness expressed that he should repair to his Command. And when we consider the many and great Scandals raised upon ourself by Report of the Rebels, and not sufficiently discountenanced here, notwithstanding so many Professions of ours: And had seen a Book, lately printed by the Order of the House of Commons, intitled, A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland; wherein some Examinations are set down, which, how improbable or impossible soever, may make an Impression in the Minds of many of our weak Subjects. And lastly, when we duly weigh the Dishonour which will perpetually

petually lie upon this Kingdom, if full and speedy Relief be not dispatched thither: *We* could not, nor cannot, think of a better Way to discharge our Duty to Almighty God, for the Defence of the true Protestant Profession; or to manifest our Affection to our three Kingdoms, for their Preservation, than by engaging our Person in this Expedition; as many of our Royal Progenitors have done, even in foreign Parts, upon Causes of less Importance and Piety, with great Honour to themselves, and Advantage to this Kingdom: And therefore we expected, at least, Thanks for such our Inclination.

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For the Danger to our Person; we conceive it necessary and worthy a King to adventure his Life to preserve his Kingdom; neither can it be imagined that we will sit still, and suffer our Kingdoms to be lost, and our good Protestant Subjects to be massacred, without exposing our own Person to the utmost Hazard for their Relief and Preservation; our Life, when it was most pleasant, being nothing so precious to us, as it is and shall be to govern and preserve our People with Honour and Justice.

For any Encouragement to the Rebels, because of the Reports they raised; we cannot conceive that the Rebels are capable of a greater Terror, than by the Presence of their lawful King in the Head of an Army to chastise them: Besides, it will be an unspeakable Advantage to them, if any Reports of theirs could hinder us from doing any Thing which were fit for us to do if such Reports were not raised: This would quickly teach them, in this jealous Age, to prevent, by such Reports, any other Persons coming against them, whom they had no mind should be so employed.

We marvel that the Adventurers, whose Advantage was the principal Motive, next the Reason before mentioned, to us, should so much mistake our Purpose, whose Interest we conceive must be much improved by the Expedition, which we hope, by God's Blessing, to use in this Service; this being the most probable Way for the speedy Conquest of the Rebels. Their Lands are sufficiently secured by Act of Parliament.

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We think not ourself kindly used, That the Addition of so few Men to your Levies, for a Guard to our Person in Ireland, should be thought fit for your Refusal: And much more, that having used so many Cautions in that Message, both in the Smallness of the Number; in our having raised none untill your Answer; in their being to be raised only near their Place of Shipping; in their being there to be armed, and that, not till they were ready to be shipped; in the Provision, by the Oaths, That none of them should be Papists; (all which appears sufficient to destroy all Grounds of Jealousy of any Force intended by them in Opposition to the Parliament, or Favour to any malignant Party) any Suspicion should, notwithstanding, be grounded upon it.

*Neither can it be understood, when we recommended the Managing of that War to you, That we intended to exclude ourself, or not to be concerned in your Councils; that if we found any Expedient, (which in our Conscience or Understanding we thought necessary for that great Work) we might not put it in Practice: We look upon you as our great Council, whose Advice we always have and will, with great Regard and Deliberation, weigh and consider. But we look upon ourself as neither deprived of our Understanding, or divested of any Right we had, if there were no Parliament sitting. We called you together by our own Writ and Authority, (without which you could not have met) to give us faithful Counsel about our great Affairs; but we resigned not up our own Interest and Freedom. We never subjected ourself to your absolute Determination. We have always weighed your Counsels, as proceeding from a Body intrusted by us: And when we have dissented from you, we have returned you the Reasons which have prevailed with our Conscience and Understanding, with that Candor as a Prince should use towards his Subjects, and that Affection which a Father can express to his Children. What Application hath been used to rectify our Understanding by Reasons, or what Motives have been given to persuade our Affections, we leave all the World to judges; and then we must tell you, howsoever a
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major Part may bind you in Matter of Opinion, we hold ourself (and we are sure the Law, and the Constitution of the Kingdom, hath always held the same) as free to dissent (till our Reason be convinced for the general Good) as if you delivered no Opinion.

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For our Journey itself; the Circumstances of your Petition are such, as we know not well what Answer to return, or whether it were best to give any. That Part which pretends to carry Reason with it, doth no way satisfy us: The other, which is rather Reprehension and Menace than Advice, cannot stagger us. Our Answer therefore is, That we shall be very glad to find the Work of Ireland so easy as you seem to think it, which did not so appear by any Thing known to us, when we sent our Message. And though we will never refuse, or be unwilling, to venture our Person, for the Good and Safety of our People, we are not so weary of our Life, as to hazard it impertinently. And therefore, since you seem to have received Advertisements of some late and great Successes in that Kingdom, we will stay some Time to see the Event of those, and not pursue this Resolution till we have given you a second Notice. But if we find the miserable Condition of our poor Subjects of that Kingdom be not speedily relieved, we will, with God's Assistance, visit them with Succours, as our particular Credit and Interest can supply us with, if you refuse to join with us. And we doubt not but the Levies we shall make (in which we will observe punctually the former and all other Cautions, as may best prevent all Fears and Jealousies, and to use no Power but what is legal) will be so much to the Satisfaction of our Subjects, as no Person will dare presume to resist our Commands, and if they should, at their Peril. In the mean Time, we hope our Forwardness, so remarkable to that Service, shall be notorious to all the World, and that all Scandals laid on us in that Business shall be clearly wiped away.

We were so careful that our Journey into Ireland should not interrupt the Proceedings of Parliament, nor deprive our Subjects of any Acts of Justice, or
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that we made a free Offer of leaving such Power behind, as should not only be necessary for the Peace and Safety of the Kingdom, but fully provide for the happy Progress of the Parliament. And therefore we cannot but wonder, since such Power hath been always left here by Commission for the Government of this Kingdom, when our Progenitors have been out of the same, during the Sitting of Parliaments; and since yourselves desired that such a Power might be left here by us at our last going into Scotland, what Law of the Land you have now found to dispense with you from submitting to such Authority, legally derived from us, in our Absence, and to enable you to govern this Kingdom by your own meer Authority!

For our Return towards London; we have given you so full an Answer in our last Declaration, and in Answer to your Petition presented to us at York, the twenty-sixth of March last, that we know not what to add, if you will not provide for our Security with you; nor agree to remove to another Place, where there may not be the same Danger to us: We expected that (since we have been so particular in the Causes and Grounds of our Fears) you should have sent us Word, that you had published such Declarations against future Tumults, and unlawful Assemblies; and taken such Courses for the suppressing of seditious Sermons and Pamphlets, that our Fears of that Kind might be laid aside, before you should press our Return.

To conclude; we could wish that you would, with the same Strictness and Severity, weigh and examine all your Messages and Expressions to us, as you do those you receive from us; for we are very confident, that if you examine our Rights and Privileges, by what our Predecessors have enjoyed, and your own Addresses, by the usual Courses of your Ancestors, ye will find many Expressions in this Petition warranted only by your own Authority; which indeed we forbear to take Notice of, or to give Answer to, lest we should be tempted, in a just Indignation, to express a greater Passion than we are yet willing to put on. God, in
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his good Time, we hope, will so inform the Hearts of all our Subjects, that we shall recover from the Mischief and Danger of this Distemper, on whose good Pleasure we will wait with all Patience and Humility.

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The foregoing Message was ordered to be sent down to the Commons.

The King's second Message was occasioned by a printed Paper, then industriously dispersed over the Kingdom, concerning the Regal Power in the Militia; which we give as follows, from *Husbands's Collections*; they not being in the *Journals*.

A QUESTION answered: How LAWS are to be understood, and OBEDIENCE yielded: Necessary for the present State of Things, touching the MILITIA.

Question. *NOW, in our extream Distractions, when foreign Forces threaten, and, probably, are invited, and a Malignant and Popish Party at home offended; the Devil hath cast a Bone, and raised a Contestation between the King and Parliament, touching the Militia. His Majesty claims the Disposing of it to be in Him, by the Right of Law; the Parliament saith, Rebus sic stantibus, et nolente Rege, the Ordering of it is in Them.*

Answer. ' This Question may receive its Solution by this Distinction, That there is in Laws an equitable and a literal Sense. His Majesty, let it be granted, is intrusted, by Law, with the Militia; but 'tis for the Good and Preservation of the Republic, against foreign Invasions, or domestic Rebellions; for it cannot be supposed that the Parliament would ever, by Law, intrust the King with the Militia against themselves or the Commonwealth, that intrusts them to provide for their Weal, not for their Woe: So that when there is certain Appearance, or grounded Suspicion, that the Letter of the Law shall be improved against the Equity of it, (that is, the Public Good, whether

A Paper dispersed about, concerning the Nature of Allegiance.

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‘ther of the Body real, or representative) then the
 ‘Commander, going against its Equity, gives Li-
 ‘berty to the Commanded, to refuse Obedience to
 ‘the Letter : For the Law, taken abstract from its
 ‘original Reason and End, is made a Shell without
 ‘a Kernel, a Shadow without a Substance, and a
 ‘Body without a Soul. It is the Execution of
 ‘Laws, according to their Equity and Reason,
 ‘which, as I may say, is the Spirit that gives Life
 ‘to Authority ; the Letter kills.

‘Nor need this Equity be express’d in the Law,
 ‘being so naturally implied and supposed in all Laws
 ‘that are not meerly Imperial, from that Analogy
 ‘which all Bodies Politic hold with the Natural ;
 ‘whence all Government and Governors borrow a
 ‘proportionable Respect. And, therefore, when
 ‘the Militia of an Army is committed to the Ge-
 ‘neral, it is not with any express Condition that
 ‘he shall not turn the Mouths of his Cannon
 ‘against his own Soldiers ; for that is so naturally
 ‘and necessarily implied, that ’tis needless to be
 ‘express’d ; inasmuch as if he did attempt or com-
 ‘mand such a Thing, against the Nature of his
 ‘Trust and Place, it did, *ipso Facto*, estate the
 ‘Army in a Right of Disobedience ; except we
 ‘think that Obedience binds Men to cut their own
 ‘Throats, or at least their Companions.

‘And, indeed, if this Distinction be not allow-
 ‘ed, then the legal and mix’d Monarchy is the
 ‘greatest Tyranny ; for if Laws invest the King in
 ‘an absolute Power, and the Letter be not control-
 ‘ed by the Equity ; then, whereas other Kings that are
 ‘absolute Monarchs, and do rule by Will, and
 ‘not by Law, are Tyrants by Force ; those that
 ‘rule by Law, and not by Will, have, hereby, a
 ‘Tyranny conferred upon them legally : And so the
 ‘very End of Laws, which is to give Bounds and
 ‘Limits to the exorbitant Wills of Princes, is, by
 ‘the Laws themselves, disappointed ; for they
 ‘hereby give Corroboration, and much more Justi-
 ‘fication, to an arbitrary Tyranny, by making it
 ‘legal, not assumed ; which Laws are ordained to
 ‘cross,

‘cross, not to countenance: And therefore is the
 ‘Letter, where it seems absolute, always to re-
 ‘ceive Qualification from the Equity, else the a-
 ‘fore said Absurdity must follow.’

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HIS MAJESTY’S MESSAGE to the House of PEERS,
 on occasion of the foregoing PAPER.

HIS Majesty having seen a printed Paper, intituled, A Question answered, how Laws are to be understood, and Obedience yielded, which Paper he sends together with this Message, thinks fit to recommend the Consideration of it to his House of Peers; that they may use all possible Care and Diligence for the finding out the Author, and may give Directions to his learned Counsel, to proceed against him and the Publishers of it, in such a Way as shall be agreeable to the Law and the Course of Justice, as Persons who endeavour to stir up Sedition against his Majesty. And his Majesty doubts not but they will be very sensible how much their own particular Interest, as well as the public Government of the Kingdom, is, and must be, shaken, if such Licence shall be permitted to bold factious Spirits, to withdraw his Subjects strict Obedience from the Laws established, by such seditious and treasonable Distinctions. And of Doctrines of this Nature his Majesty doubts not but that their Lordships will publish their great Dislike, it being grown into frequent Discourse, and vented in some Pulpits, by those desperate turbulent Preachers, who are the great Promoters of the Distempers of this Time, That human Laws do not bind the Conscience; which being once believed, the Civil Government and Peace of the Kingdom will quickly be dissolved. His Majesty expects a speedy Account of their Lordships exemplary Justice upon the Authors and Publishers of this Paper.

The Lords being of Opinion, That the King’s Complaint against the Authors and Publishers of the foregoing Paper (as containing seditious Expressions and treasonable Distinctions) was in the Nature of

An. 18. Car. I. an Inquisition; and holding it proper for Things of that Kind to begin in the House of Commons, and to be brought up to their Lordships in a Parliamentary Way, sent it down to them accordingly.—But it was never more heard of in either House.

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Which both Houses pass over unregarded.

At a Conference held this Day, the Commons delivered to the Lords a Copy of a Petition, which had been presented to the King by divers Gentlemen of *Yorkshire*; which was read as follows:

THE HUMBLE PETITION of the GENTRY and COMMONS of the County of YORK.

Most Royal Sovereign,

A Petition of the *Yorkshire* Gentry to the King, for continuing the Magazine at *Hull*;

ENCOURAGED by your Majesty's many Testimonies of your gracious Goodness to us and our County, which we can never sufficiently acknowledge, we do, in all Duty and Loyalty of Heart, humbly address ourselves to your Sacred Majesty; beseeching you to cast your Eyes and Thoughts on the Safety of your own Royal Person, your Princely Issue, and this whole County; a great Means of which we conceive doth consist in the Arms and Ammunition at Hull, placed there by your Princely Care and Charge; [which, by your Majesty, was conceiv'd necessary for the Defence of the Northern Parts of this Kingdom;]^k and since, upon a general Apprehension of Danger from foreign Parts represented to your Majesty, thought fit, as yet, to be continued: We for our Parts, conceiving ourselves to be still in Danger, do humbly beseech your Majesty, That you would be pleased to take such Course and Order, that your Magazine of Ammunition may still there remain, for the better securing of these and the rest of the Northern Parts; and the rather, because we think it most fit, that that Part of the Kingdom should be best provided, where your Sacred Person doth reside; your Person being, like David's, the Light of

^k This Passage is omitted in *Husbands's Collections*, and even in the Edition printed by *Barker*, the King's Printer:—But is supplied from the *Lord's Journals*. This Petition is mentioned, but not entered, in those of the *Commons*.

of *Israel*, and more worth than ten thousand of us.' An. 18. Car. 1.
Who shall daily pray, &c. 1642.

April.

This Petition was assented to, and delivered to the King, by these Gentlemen, viz. Sir *Francis Wortley*, Sir *William Wentworth*, Sir *John Gibson*, Sir *Thomas Metham*, Sir *Richard Hutton*, Sir *Paul Neal*, Mr. *Bryan Palmes*, Mr. *George Butler*, Mr. *Dawnay*, Mr. *Mountain*, Capt. *Franck*, and eight or ten Persons more, whose Names, as the *Journals* say, were not known.

The Observations made by the House of Commons on this Petition, were, *first*, The Preface is false, being stiled, *A Petition of the Gentry and Commons*, when it was delivered only by a few. *Secondly*, That it is wholly grounded upon a Presumption, that the King and Prince will reside there; which is directly contrary to the continual Desires of both Houses of Parliament, and to their Petition for removing the Magazine from *Hull*, and their Order thereupon. *Thirdly*, That whereas it is pretended that the Magazine was placed there for the Safety of the County, it was much to the Damage and Loss thereof; being so long overburdened with that and the Army. *Fourthly*, That most of these Subscribers were the Retractors of their Names from that Petition, which the County of *York* presented to the King, for the Calling of a Parliament, and join'd with the late Earl of *Strafford* for the Stopping of it.

On these Considerations the House of Commons conceiv'd this Petition to be of dangerous Consequence, and an Affront to the Parliament; done on purpose to increase the Differences between the King and his People, and to make a Faction within that County: Therefore, the Commons desire their Lordships, that the Subscribers to it may be summoned to appear, and answer the same in Parliament.—This was ordered accordingly.

April 26. The Lord Keeper acquainted the Lords, That he had received a Letter from the King, dated

F f 2

at

An. 18. Car. 1. at *Beverley*, April 24, with a Message inclosed in it, which he was commanded to deliver to the House, and it was read in these Words :

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April.

The King's
Message of Com-
plaint against Sir
John Hotham for
refusing him En-
trance into *Hull*.

HIS Majesty having received the Petition inclosed from most of the chief of the Gentry near about *York*¹, desiring the Stay of his Majesty's Arms and Munition in his Magazine at *Hull*; for the Safety not only of his Majesty's Person and Children, but likewise of all these Northern Parts, the manifold Rumours of great Dangers inducing them to make their said Supplication; thought it most fit to go himself, in Person, to his Town of *Hull*, to view his Arms and Munition there; that thereupon he might give Directions what Part thereof might be necessary to remain there, for the Security and Satisfaction of his Northern Subjects; and what Part thereof might be spared for *Ireland*, and the arming of his Majesty's Scots Subjects that are to go thither; or to replenish his chiefeft Magazine of the Tower of *London*; where being come upon the twenty-third of this Inst. April, much contrary to his Expectation, he found all the Gates shut upon him, and the Bridges drawn up, by the expresse Command of Sir *John Hotham*; who, for the present, commands a Garrison there, and from the Walls flatly denied his Majesty Entrance into his said Town; the Reasons of the said Denial being as strange to his Majesty as the Thing itself, it being that he could not admit his Majesty, without Breach of Trust to his Parliament; which did the more incense his Majesty's Anger against him, for that he, most seditiously and traiterously, would have put his Disobedience upon his Majesty's Parliament; which his Majesty being willing to clear, demanded of him, if he had the Impudence to aver that the Parliament had directed him to deny his Majesty Entrance; and that if he had any such Order, that he should shew it in Writing, for otherwise his Majesty could not believe it; which he could no way produce, but maliciously made that false Interpretation according to his own Inferences, confessing that he had no such positive Order; which

¹ That before given.

which his Majesty was ever confident of: But his Majesty, not willing to take so much Pains in vain, offered to come into that his Town with only twenty Horse, finding that the Main of his Pretence lay, that his Majesty's Train was able to command the Garrison; notwithstanding his Majesty was so desirous to go thither in a private Way, that he gave Warning thereof but over Night; which he refusing, but by way of Condition, which his Majesty thought much below him, held it most necessary to declare him Traitor, unless, upon better Thoughts, he should yield Obedience; which he doubly deserved, as well for refusing Entrance to his natural Sovereign, as by laying the Reason thereof, groundlessly and maliciously, upon his Parliament.

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One Circumstance his Majesty cannot forget, That his Son the Duke of York, and his Nephew the Prince Elector, having gone thither the Day before, Sir John Hotham delayed letting of them out to his Majesty, till after some Consultation.

Hereupon his Majesty hath thought it expedient to demand Justice of his Parliament against the said Sir John Hotham, to be exemplarily inflicted on him, according to the Laws; and the rather, because his Majesty would give them a fit Occasion to free themselves of this Imputation, by him so injuriously cast upon them, to the end his Majesty may have the easier Way for the chastising of so high a Disobedience.

The Lords entered into a serious Debate on this last Message, and afterwards came to the following Resolutions:

‘Resolved, &c. That Sir John Hotham, according to this Relation, hath done nothing but in Obedience to the Commands of both Houses of Parliament.

The Lords justify
Sir John Hotham's Refusal.

‘Resolved, &c. That this Declaring Sir John Hotham a Traitor, being a Member of the House of Commons, is a high Breach of Privilege of Parliament.

‘Resolved, &c. That this Declaring Sir John Hotham a Traitor, without due Process of Law, is

An. 18. Car. I. against the Liberty of the Subject and the Law of the Land.' It was also ordered to have an immediate Conference with the House of Commons, to communicate the King's Message to them, and these Votes upon it.

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April.

This Day the Lord-Keeper reported a Conference, lately had with the House of Commons, concerning Sir *Edward Dering*, That they had presented the following Impeachment against him :

ARTICLES of IMPEACHMENT of Sir EDWARD DERING, Knt. and Bart. by the Commons assembled in this present Parliament, in the Name of themselves and of all the Commons of England, for high Crimes and Misdemeanors by him committed, as follows ^a :

Articles of Impeachment against Sir Edward Dering, for promoting the *Kentish* Petition.

I. ' THAT whereas an Ordinance was lately made and agreed upon by both Houses of Parliament, for the settling of the Militia of this Kingdom, for the Safety and Preservation thereof in these Times of imminent Danger ; the said Sir *Edward Dering*, knowing thereof, and having been, lately, a Member of the Commons House in Parliament, and, by Order of the said House, for Offences by him committed, expell'd the same ^b, out of a malicious and wicked Intention to cross and hinder the said Ordinance ; to interrupt and scandalize the Proceedings of Parliament ; to set Division between his Majesty and the Parliament ; and to raise Sedition and Tumult in the County of *Kent*, and in other Parts of this Realm ; in or about the Month of *March* last past, by Practice and Combination with *Richard Spencer*, Esq; Sir *Roger Twisden*, Knt. and Bart. and Sir *George Strode*,

^a These Proceedings against Sir *Edward Dering* are taken from the *Lords Journals* : There is no Mention made of them in *Rushworth* or *Whitlocke*. Lord *Clarendon*, indeed, tells us, ' That several Gentlemen of the County of *Kent*, who had subscribed and advised the Petition, were sent for as Delinquents ; and Charges and Articles of Impeachment drawn up against them. Vol. II. p. 487,

^b For printing his Speeches, — See before, p. 266.

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‘ *Strode*, Knt. and others, did wickedly and maliciously contrive and frame certain dangerous and seditious Heads or Articles of a Petition to be presented to the Parliament, for and on Behalf of the Gentry, Ministers, and Commonalty of *Kent*; amongst which some were to this or the like Effect, viz. 1st, *That no Member of the House of Commons should be put out of the said House, without shewing a Reason for the same; and that they shew some Cause why the said Sir Edward Dering was put out of the said House.* 2dly, *That his Majesty’s Subjects should not be bound by any Order of either of the said Houses.* 3dly, *That no Ordinance of the said House touching the Militia should bind the Subjects, without his Majesty’s Assent thereunto.* And for the better effecting thereof, at the Assizes holden for the said County, on *Tuesday* the twenty-second of *March*, 1641, the said *Sir Edward Dering*, being then, and yet, a Justice of the Peace of the said County, together with the said *Sir George Strode*, and divers other Justices of the Peace of the said County, then present in Court, by the Practice and Combination aforesaid, did offer himself to serve on the Grand Inquest at the said Assizes; albeit there was another sufficient Grand Jury then returned by the Sheriff, (whereof he was none) and no Exception taken to the same; and that no Justice of Peace, or other Gentleman of that Rank and Quality in that County, had served upon any Grand Jury, at the Assizes, for many Years then before: And the said *Sir Edward Dering*, together with the other said Justices of the Peace, upon their said Offer, being sworn and impannelled of the said Jury, the said *Sir Edward Dering*, with the said *Sir George Strode*, by the Practice and Combination aforesaid, and to the Intent and Purpose aforesaid, did tender the said Heads to the said Grand Jury; and did then and there wickedly and unlawfully persuade, labour, and solicit the rest of the Grand Jury to agree to the same; and have them drawn into a Petition to the Parliament, to be presented by the said Grand Jury

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‘ Jury to the Judge of the said Assizes and the rest
 ‘ of the Bench there, to be by them, assented to
 ‘ and approved of; and did then and there wickedly
 ‘ conjure the said Grand Jury to Secrecy, and not
 ‘ to discover any Thing touching the said Petition,
 ‘ till it should be, by them, agreed upon and pre-
 ‘ sented as aforesaid; falsely persuading them that
 ‘ they were thereunto bound by their Oath.

II. ‘ That whereas the said Grand Jury did not,
 ‘ nor would agree to the said Petition or Heads;
 ‘ but a great Part of them did utterly refuse and op-
 ‘ pose the same, and resolve to protest against it;
 ‘ yet the said Sir *Edward Dering*, together with the
 ‘ said Sir *George Strode*, by the Practice and Com-
 ‘ bination aforesaid, did, at the same Assizes, wick-
 ‘ edly and seditiously contrive and frame a danger-
 ‘ ous, scandalous, and seditious Petition, to be pre-
 ‘ sented to the Parliament, consisting of many of
 ‘ the Heads aforesaid, and others, and the same did
 ‘ present to the Bench at the said Assizes; and, by
 ‘ false and sinister Objections, Persuasions and So-
 ‘ licitations, caused the same to be voted and assent-
 ‘ ed to in open Court; and did further say, That
 ‘ the same should be accompanied with 40,000 Per-
 ‘ sons, and that they should meet at *Deptford*,
 ‘ *Greenwich*, or *Blackheath*, to go to the Parliament;
 ‘ and did likewise openly move in Court, That
 ‘ there might be three Copies made of the said Pe-
 ‘ tition, one to the House of Lords, another to the
 ‘ House of Commons, and a third to his Majesty.

III. ‘ That the said Sir *Edward Dering*, toge-
 ‘ ther with the said *Richard Spencer*, Sir *Roger*
 ‘ *Twisden*, Sir *George Strode*, and others, by the
 ‘ Practice and Combination, and to the Intent afore-
 ‘ said, at the said Assizes, and at other Times, did
 ‘ wickedly and seditiously publish the said Petition;
 ‘ and caused the same to be put into the Hands of
 ‘ one *Pope*, an Attorney at Law, dwelling at *Maid-*
 ‘ *stone* aforesaid, to make and deliver out Copies
 ‘ thereof, to be dispersed throughout the said Coun-
 ‘ ty; and divers Copies thereof were given out and
 ‘ dispersed accordingly,

‘IV.

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IV. ' That the said Sir *Edward Dering*, together with the rest of the said Confederates, by the Practice and Combination aforesaid, and to the Intent aforesaid, did unlawfully, wickedly and maliciously, procure many Hands to the said Petition; and did labour and solicit divers of the Inhabitants of the said County to assemble and meet at *Deptford* or *Greenwich*, in the said County, or some other Place thereabouts, in great Multitudes, to go along with the said Petition; intending thereby to have raised Commotion and Sedition amongst the People, and to have awed the Parliament.

' All which Doings of the said Sir *Edward Dering* and his Confederates, were, and are, great and high Breaches of the Privileges of Parliament; and contrary to his Oath and the Duty of a Justice of Peace; tending to Sedition, and to the apparent Danger of both his Majesty's Kingdoms of *England* and *Ireland*: And the said Sir *Edward Dering* being sent for to the House of Commons, and under Examination of a Committee of both Houses of Parliament for the said Offence, is since fled, in great Contempt of both the said Houses.

' And the said Commons, by Protestation, saving to themselves the Liberty of exhibiting, at any Time hereafter, any other Accusation or Impeachment against the said Sir *Edward Dering*; and of replying to the Answer which he shall make to the said Articles, or any of them; and of offering Proof of the Premises, or any of them, or of any other Impeachment or Accusation which shall be exhibited against him, as the Case, according to the Course of Parliament, shall require; do pray that the said Sir *Edward Dering* may be put to answer to all and every the Premises in the Presence of the Commons; and that such further Proceedings, Examinations, Judgments and Executions may be, upon every of them, had and used against him as is agreeable to Law and Justice."

This

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This being read, his Lordship reported, ‘ That the Gentleman of the House of Commons, that manag’d the Conference, ° made some Observations and said, ‘ That your Lordships see by this that hath been read unto you, that *Nondum recentis Ilii Fatum stetit*; that notwithstanding the many strange and variable Attempts against the Parliament, and their wonderful and miraculous Preservations, yet Mischief is so fruitful and generative as to produce a new Brood of Serpents; which are continually hissing, maligning, and practising against the pious and noble Endeavours of both Houses, and against the Peace, Prosperity, and Happiness of this afflicted Kingdom. If the evil and seducing Spirit, which doth animate these Designs, were asked from whence he comes, doubtless his Answer would be, *From compassing the Earth*; having removed his Scene into many several Parts, and found so many Friends and Patrons of his audacious Achievements, amongst whom this Gentleman, Sir *Edward Dering*, is one; a Man of Mark and Eminency; of Wit, Learning, and Zeal, at least in Shew and Appearance; and yet all these miserably shipwreck’d upon the Shelves and Sands of the *Kentish* Shore. The Thing itself appears to your Lordships to be a manifest Breach of the Rules of Law, Justice, and Religion; and yet, under the Cloak of all three, a Fast must be proclaimed to take away *Naboth* and his Vineyard. The Yeomanry of *Kent*, heretofore in great Esteem, is now become vile and contemptible; an extraordinary Grand Jury must be prepared of Knights, Gentlemen, and Justices of the Peace for some extraordinary Service, which your Lordships have heard what it is; they must descend from their Places on the Bench, and from themselves too, not to serve their Country, (for that were no Disparagement) but to serve their own unworthy, ambitious, and seditious Ends.

‘ This Gentleman, a Ringleader, late a Member of the House of Commons, the Grand Jury of the

° Mr. *Pymme* or Mr. *Holles*, they both being appointed for that Purpose.
Commons Journals.

the whole Kingdom; and there so highly esteeming of his own Wisdom, is contented now to descend so low as to become one of the Common Jury of the County; such is the Meanness and Pusillanimity of high Thoughts, as, for compassing of their own Ends, to stoop to any Condition how low soever it may be.

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‘ Having thus set the Cards, he plays the Game very foully; he leads his Fellows out of the Way; and makes them, like ill Hunters, instead of following the Chace, at the Quest of one ill Mouth, to fall upon a Flock of Sheep. Their Duty was to have inquired, diligently, of the Matters given them in Charge. Surely this was out of the Charge, because the Judge had told them it was out of his Commission; and yet they leave other Matters, which they were charged with, as Accidents and Trifles; and insist upon this, which they had nothing to do with, as the principal Business.

‘ He obtrudes on them divers monstrous and seditious Heads; and, by sinister Suggestions, Labours and Solicitations, which ought not to be used to a Jury; and, by a kind of Violence offered them, seeks to enforce them to a Consent, contrary to their own Reason, Judgment, and Consciences, when they refused, opposed, and protested against it. Failing of this,

Flectere si nequeam Superos, Acheronta movebo:

Instead of enquiring upon the Statute of Witchcraft and Conjurament, he useth his Conjurations and Enchantments upon them, to conjure them to Secrecy; falsely persuading them that they will be bound unto it by their Oath: When all this would not serve, he then applies himself to the Bench; and, by the Enchantments and Conjurations used there, prevails so far as to have it there voted and assented to by such as were present; and, to give the more Strength and Countenance to it, wants not the Aid and Concurrence of some appearing Reverend Divines, and of Civilians also; and sticks not to

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affirm, that he can have 40,000 Persons to attend the Petition; proclaims a Meeting at *Blackheath*, a Place fatal and ominous for Actions of this Nature; and all this under Colour of a Petition; being, in Truth, a Challenge, an Adjuration, and a Scandal upon the Parliament; and purporting nothing else but a desperate Design to put not only *Kent*, but, for ought is known, all *Christendom* into Combustion, carrying the Sails full swollen with Spite, Arrogancy, and Sedition. The particular Instances he forbore to trouble your Lordships with, because you will find some of them upon Perusal of the Petition. He said many Arguments he might use in Aggravation of them, from the Eminency of the Power of the Person, and the Arrogancy of his Mind; the Acrimony of his Spirit, and from the topping Place of *Kent*, which former Ages hath found obnoxious to these Infelicities; which this Gentleman, so well read in Story, should have been mindful of in these troublesome Times: But all these, and other Circumstances, he left to your Lordships noble and judicious Consideration; desiring, amongst other Motives, that your Lordships will be pleased to reflect upon the Acts of your own Justice in a Case of like Nature; ^p which, being first begun here, near at hand, might have spread the Flame and Contagion over all *England*; had not the great Wisdom and Justice of both Houses, in due Time, prevented it.

‘ He said, He should add no more at this Time, but what he had read of a People in *Africa*, which sent a Challenge to the Wind; whereupon, at the Meeting, the Wind blew down Mountains upon them, and overwhelmed them: He hoped those bold and insolent Adventurers; who have presumed to send a Challenge, or Defiance to the great Houses, shall find a like Stroke of their wonted Power and Justice; and that they shall meet with such a Wind as will blow down their high Thoughts upon themselves, return their Votes into their own Bosoms, and their mischievous Designs upon their own Heads.

‘ All

^p Mr. *Benyon*’s Petition before-mentioned.

‘ All which he was warranted, in the Name of An. 18. Car. I.
the House of Commons, and of all the Commons of *England*, to desire of their Lordships; and that they will be pleased to make this Gentleman, the principal Author of this foul Act, a Spectacle and Pattern of exemplary Justice to present and future Times.’

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Ordered, ‘ That Sir *Edward Dering*, Knt. and Bart. shall appear before the Lords in Parliament on *Monday* next, being the second Day of *May*, and put in his Answer unto an Impeachment of the House of Commons brought up against him, or else the House will proceed against him by Default.’

The House of Commons having considered of Farther Votes* the King’s last Message and the Votes about *Hull*, and Orders relating to *Hull*. sent to desire another Conference on this Affair; in which they acquainted the Lords, That they fully agreed with them in these Votes, and desired that they might be printed and dispersed all over *England*: That two Ships of War should be sent to the River *Humber* to clear the Passage to *Hull*, under the Command of the Earl of *Warwick*: That a Committee of both Houses might be sent into the North to take Care of those Parts and *Hull*; particularly, to thank Sir *John Hotham*, the Commanders and Soldiers under him, with such Inhabitants of the said Town, who they shall learn were forward in the Service, for their Faithfulness in preserving that Place; and to assure them that particular Care shall be taken to reward them according to their Deserts.

There was read, also, an Information from two Persons, who said, That the King’s Coming to *Hull* was on purpose to hang Sir *John Hotham*; and, upon his Refusal to let his Majesty into *Hull*, he had proclaimed him a Traitor: That Sir *Thomas Metham* was raising Forces for the King in *Yorkshire*, most of them Papists; and that there was a great Resort of them at *York*: That all Posts and Persons who brought Letters to and from the Parliament to *Hull* were stopped, and forbidden to carry any

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any on Pain of Death; and all Intercourse prevented, both by Land and Water: In consideration of which, the Commons think fit to desire their Lordships Concurrence in sending an Order to the Sheriffs, Lord-Lieutenants, Justices of the Peace, &c. in the adjacent Counties to suppress all Forces that shall be raised there, either to force the Town of *Hull*, or to stop the Passages to and from the same, to the Disturbance of the Peace of the Kingdom. *Lastly*, The Commons desired the Lords Concurrence in a Declaration concerning these Matters, and that the same might be printed and published.

The Lords not only agreed with the Commons, in all these Particulars; but went further: For they ordered all the Persons who had signed the last Petition to the King, with others, there named, to be sent for as Delinquents, for being active against the Parliament.

The Declaration, abovementioned, was as follows:

A Declaration
 thereupon, printed
 and published.

IT is declared by the Lords and Commons in Parliament, That the Stopping of the Passages between *Hull* and the Parliament, and the Intercepting of Messengers employed from the Parliament to *Hull*, or from any that are in the Service of the Parliament, or any Letters whatsoever sent by any to or from the Parliament, is a high Breach of the Privilege of Parliament; which, by the Laws of this Kingdom and the Protestation, we are bound to defend with our Lives and our Fortunes, and to bring the Violators thereof to condign Punishment; and hereby all Lord-Lieutenants and their Deputies, authorised by the Ordinance of both Houses of Parliament, all Sheriffs, Justices, Mayors, Bailiffs, Constables, and other Officers whatsoever, are required to give their utmost Aid and Assistance to all that are employed in the said Service, for their better and more speedy, free, and safe Passage: And to apprehend all such as, by Colour of any Warrant or other Authority whatsoever

ever

‘ ever, shall endeavour or go about to hinder any
 ‘ that are employed about the same, and them to
 ‘ apprehend, and in safe Custody to send up to the
 ‘ Parliament.’

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April 28. This Day a Message was brought up by Mr. *Oliver Cromwell*, to desire a Conference. The Purport of which was, the Commons acquainted the Lords, That they had received Information of a great Meeting to be next Day on *Blackheath*, in order to back the rejected Petition of *Kent*; and that Reports were given out that they intended to shed Blood: They therefore recommended to their Lordships that proper Care might be taken to prevent any Mischief that might ensue. This was ordered accordingly by the Lords.

An Order was made that Sir *John Hotham* have Power to take up such Ships, at *Hull*, as are fit for bringing away the Magazine there, to be convoyed by the two Ships of War, already sent for that Purpose.

The Lords agreed with the Commons to give Instructions and Power to their Commissioners, who were to be sent into the North; as, also, to another Declaration of both Houses on the Business of *Hull*, with an Order of Assistance to be given to the Commissioners; which, with the late Votes, were again ordered to be printed and published. The Declaration, &c. were *in hæc Verba*.^p

‘ THE Lords and Commons in Parliament, A Declaration
 ‘ finding just Cause to fear not only the de- relating to *Hull*,
 ‘ perate Designs of Papists, and others of the ma- and Sir *John Ho-*
 ‘ lignant Party, at home; but also the Malice of E- *tbam*.
 ‘ nemies, incited by them, from abroad; thought it
 ‘ necessary, for the Safety of this Kingdom, to se-
 ‘ cure the Town of *Kingston upon Hull*, being one
 ‘ of the most considerable Places for Strength, and
 ‘ af-

^p From the *Commons Journals*, which differs, in some few Expressions, from the Copy in *Husbandi's* and *Rusworth's* Collections.

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affording the best Conveniency for landing of Forces; and where a great Part of the Magazine of the Kingdom for that Time was placed; and for that End appointed Sir *John Hotham*, one of the Members of the House of Commons, being a Gentleman of the same County of a considerable Fortune and approved Integrity, to take upon him the Government of the Town, and to draw thither some of the Train'd Bands for the Guard thereof: In which Apprehension and Resolution they were the more confirmed by the Sight of some intercepted Letters of the Lord *Digby*, (a principal Person of that Party) written to the Queen and Sir *Lewis Dives*; whereby that Party discovered an Endeavour to persuade his Majesty to declare himself, and retire into some Place of Safety in this Kingdom, in Opposition to Ways of Accommodation with his People; and, to give the better Opportunity to himself and other dangerous Persons to resort thither; which could have no other End but to incline his Majesty to take Arms against his Parliament and good Subjects, and miserably to imbroil this Kingdom in Civil Wars. About which Time Captain *Legge* (a Man formerly employed in the Practice of bringing up the Army against the Parliament) had Direction, by Warrant produced by him under the King's Hand and Sign Manual, to enter *Kingston upon Hull*, and to draw thither such of the Train'd Bands as he should think fit: And that the Earl of *Newcastle* came thither in a suspicious Way, and under a feign'd Name, and did endeavour to possess himself of the said Town, by Virtue of the like Warrant and Authority.

They further conceiving, that the Magazine there being of so great Importance to this Kingdom, would be more secure in the Tower of *London*, did humbly petition his Majesty to give his Consent the same might be removed; which, notwithstanding his Majesty did refuse; and thereupon some few ill-affected Persons about the City of *London*, took upon them the Presumption, in Opposition

position to the Desires, and in Contempt of both Houses, to petition his Majesty to continue that Magazine at *Hull*; alledging it to be for the Safety of his Majesty, as if there could be a greater Care in them of his Majesty's Royal Person than in his Parliament: And his Majesty, the next Day after the Delivery of that Petition, being the twenty-third of this Instant *April*, took Occasion thereupon to go to the Town of *Hull*, attended with about 400 Horse, (the Duke of *York* and the Prince Elector being sent thither the Day before) and required Sir *John Hotham* to deliver up the Town into his Hands; who perceiving his Majesty to be accompanied with such Force as might have master'd the Garrison of the Town; and having received Intelligence of an Intention to deprive him of his Life, in case the King should be admitted, inform'd his Majesty of the Trust reposed in him by both Houses of Parliament, and that he could not, without Breach of that Trust, let him in; beseeching his Majesty to give him Leave to send to the Parliament, to acquaint them with his Majesty's Commands, and to receive their Directions thereupon, which he would do with all Expedition. This Answer his Majesty was not pleased to accept of; but presently caused him and his Officers to be proclaimed Traitors before the Walls of the Town; and thereupon dispatched a Message to both Houses, therein charging Sir *John Hotham* with High Treason, and aggravating his Offence, because he pretended the Parliament's Command; in the mean while hindering him of all Means of Intelligence with the Parliament, for his Majesty immediately caused all Passages to be stopped between him and them; and, in pursuance of the same, one of his Servants, who was sent by him with Letters to the Parliament, to inform them of the Truth of those Proceedings, was apprehended, his Letters taken from him, and his Person detained; whereby, contrary to the common Liberty of every Subject, he was not only de-

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‘prived of Means to clear himself of that heavy
 ‘Accusation, but of all Ways of Intercourse, ei-
 ‘ther to receive Directions from them that trusted
 ‘him, or to inform them what had happened.

‘The Lords and Commons finding the said Pro-
 ‘ceedings to be a high Violation of the Privileges of
 ‘Parliament, of which his Majesty had, in several
 ‘Messages, express’d himself to be so tender; a
 ‘great Infringement of the Liberty of the Subject
 ‘and the Law of the Land, which his Majesty had
 ‘so often lately professed should be the Rule to go-
 ‘vern by; and tending to the endangering of his
 ‘Majesty’s Person and the Kingdom’s Peace;
 ‘thought fit, as well for the Vindication of their
 ‘own Rights and Privileges, and the Indemnity of
 ‘that worthy Person employed by them, as for the
 ‘clearing of their own Proceedings, to publish
 ‘these ensuing Votes.

[*Here the Votes, mentioned at p. 453, are repeated.*]

Next follow the Instructions given to these Com-
 missioners, which were not published with the for-
 mer, for Reasons obvious enough; nor are they in
Husbands’s or *Rusworth’s Collections*; and we give
 them from the *Journals* themselves, viz.

Instructions to a
 Committee ap-
 pointed to go to
 Hull.

‘IT is this Day ordered by the Lords and Com-
 ‘mons in Parliament, That the Earl of *Stam-*
 ‘*furd*, the Lord *Willoughby of Parham*, Sir *Edward*
 ‘*Ayscough*, Sir *Christopher Wray*, Sir *Samuel Ow-*
 ‘*field*, and Mr. *Hatcher*, shall forthwith repair into
 ‘*Lincolnshire*, and from thence to *Kingston* upon
 ‘*Hull*, and, if there be Occasion, to any other Parts
 ‘of *Yorkshire*, and pursue the Directions following:
 I. ‘That if any Forces are, or shall be, raised or
 ‘gathered together in the Counties of *York* or *Lin-*
 ‘*coln*, either to force the Town of *Hull*, or to stop
 ‘any of the Passages to or from the same, or any
 ‘other Way to disturb the Peace of the Kingdom;
 ‘then they, or any three of them, in the Name and
 ‘by the Authority of both Houses of Parliament,
 ‘shall

‘ shall require the Lord-Lieutenant, or, in his Absence, the Deputy-Lieutenants of either of the said Counties, respectively, to suppress and remove all such Forces, and to free and keep open all the Passes to *Hull*; and, in Performance hereof, shall also require the Sheriffs, Justices of the Peace, and all other his Majesty’s Officers and Subjects, in the Name of both Houses of Parliament, to assist therein as oft as they shall see Cause.

II. ‘ That they shall thank Sir *John Hotham*, the Commanders, and particular Soldiers under him, and such of the Inhabitants of the Town as have observed the Command of the Parliament, and kept it in pursuance of the same; and shall give them all Encouragement to continue their Care, and Fidelity in this Service, conducing so much to the Safety and Peace of the Kingdom.

III. ‘ They shall, from Time to Time, certify the Houses of all Occurrences; and shall all, or any of them, return, as they shall see Occasion.’

April 29. A Message was brought from the House of Commons, to let the Lords know, That they looked upon the late Attempt upon *Hull* to proceed from the Effect of some former Counsels of the Lord *Digby*’s Letters to the Queen: That he being impeached by them of High Treason, and a Proclamation sent out to summon him to appear on a certain Day, under Pain of Conviction; and it being now six Weeks since, and the said Lord *Digby* not coming in, the House of Commons desire the Lords would please to assign a Day for them to come up, and demand Justice against him.

The Commons desire the hastening of Lord *Digby*’s Trial.

Answer. That they will appoint a Day, shortly, and give the House of Commons Notice of it.

Another Message came up to the Lords, by Mr. *Hampden*, and others, who presented to their Consideration a Letter, directed to the Speaker; and, though there was no Name subscribed, yet many of the Members knew it to be of Sir *John Hotham*’s Hand-writing, and contained a true Narrative of the whole Business concerning *Hall*.

An. 18. Car. I. Which Letter the Lords commanded to be read as follows : ^q

1642.

April.

Sir John Hobart's Letter concerning the King's coming to Hull.

S I R,

I Make no Question but you have heard, in general, of the Business we have had at Hull ; you had received the Particulars before this, but that all Ways have been stopped, for the intercepting my Letters : Two Posts I have sent Expresses, both which were intercepted ; and one of them, as I am informed, carried Prisoner to York.

The Parliament, as you well know, hath intrusted me with the safe Keeping of this Place : Their Orders I have performed to the best of my Understanding, and utmost Endeavours, tho' with some Hazard of being misconceived by his Majesty. If I have, in any Thing, misbehaved myself, or not performed my Trust, I shall most willingly submit to their Censures : Only this I must make my most humble Request, if so it may seem good to the Wisdom of the Parliament, That I may have from them a quick Resolution, in such Manner as they shall find to be just.

I perceive, by some Letters sent by his Majesty to this Town, that he hath advertised the Parliament of this Action of mine, and hath demanded a Punishment against me : I shall intreat the Parliament to take into Consideration under how deep an Accusation I lie ; and how unable I shall be to do them Service here, if this receive not a speedy Resolution.

The Manner I shall faithfully (God willing) relate. It was thus :

Upon Friday the twenty-third of this Inst. April, an Alderman of Hull came to me, and told me, He was newly come from York, and that he was to give me Notice that the Duke of York, the Prince Elector, and my Lord Newport, would that Night come to Hull, and stay only one Night, and go back next Day to York. I could have well wished they had taken some other Time, but being very desirous to give all

^q From the Lords Journals : It is mentioned, tho' not entered, in those of the Commons. But no Notice is taken of this Letter in Clarendon, Rushworth, or Whitlocke.

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April,

all the Content I could, (my Trust always preserved) I gave Way to their Reception; and had provided, for next Day, a Dinner, to have given them the best Welcome I could: But, late that Night, I had some Cause of Suspicion that they meant not to depart the next Day; whereupon I went to my Lord Newport, who assured me confidently it was not so, which a while satisfied me; till about Nine of the Clock, the Duke, Prince, and the rest, being walking in the Fort call'd South-End, Sir Lewis Dives comes in thither, and delivered me a Letter from his Majesty; purporting, That he intended to visit his Town of Hull and his Magazine there, and that I should provide for the Reception of him and his Train; that he doubted not of my Obedience, else he must make his Way into his Town according to the Laws of the Land.

This I confess put me to a greet Strait: On the one Side being most extremely sorry to give his Majesty the least Cause of Offence; on the other Side the Breach of a Trust being, in my Sense, so horrid a Fact, as after that I should not have wished to live; I then began to put together Circumstances, thus: Why such a Journey, at such a Time as this, should have been undertaken by so great Personages; why should they deny their Stay, when I had some Cause to suspect it was resolved when they came; the Numbers coming with them already received into the Town; and, lastly, the extreme urging of the Messenger, Sir Lewis Dives.

I had received of those that came along with them, whether of their Servants or no I know not, forty-five Persons. I well knew of a Party practising, by Papists in Holderness, with some of the Town.—His Majesty had, in his Train, to the best of all our Judgments, 300 Horse. I was advertised, (but the Certainty I knew not) that 400 Horse lay further off. All these put me to a sudden Resolution to draw up the Bridges, upon certain News of his Majesty's approaching; having, first, sent out a Gentleman to his Majesty, humbly to intreat his Majesty to forbear his coming to the Town at that Time, in regard I might not, without a Breach of that Trust committed to me, admit him and his Train.

G g 3

This

An, 18. Car. I.
1642.

April,

This Message met him three Miles off; notwithstanding his Majesty came on to the Town Gates, and sent for me thither: As I went, I met the Mayor and some Townsmen assembled to go to his Majesty to the Gates, whom I commanded to keep their Houses; which accordingly they did, and myself went to the Town Wall next the Port: Being there, his Majesty demanded Entrance; I, in the most humble Manner I was able to express myself, begged of his Majesty to take my Case into his most Princely Consideration: That I had that Place delivered me under that sacred Name of Trust: That I could not satisfy him, at that Time, without incurring to me and my Posterity the odious Name of a Villain and Faith-Breaker: That he would, for that Time, withdraw; and, if my being in this Town gave him the least Cause of Offence, if he would give me Leave to advertise the Parliament, I should get myself discharged never to come here: But nothing I could say could give any Satisfaction to his Majesty, who, as well as to myself, endeavoured to persuade all my Captains and Soldiers; but they were all of one Mind with me, faithfully to perform our Trust. Some of his Majesty's Train, with great Earnestness, cried out to kill me and throw me over the Wall; and they were not a few which did it.

This, and some other Advertisements I had given of some Attempts to be made upon my Person (which, though in itself not at all considerable, yet at this Time since that my Perishing, by any sudden Attempt, would have apparently hazarded the Loss of this Place) made me enter upon a resolute Determination to intreat his Majesty at that Time to withdraw; and not to admit of his Entrance (till I had advertised the Parliament thereof) with any considerable Company; and also being I saw that, with his Presence, the Townsmen began to stagger; the Mayor, contrary to my Command, being come to the Wall, and receiving from his Majesty many gracious Words. The Conclusion was, His Majesty, after Persuasions would not prevail, caused me, and all that adhered to me, to be proclaimed Traitors.

Then he retired to a little House, without the Walls; and

and, after one Hour's Stay, returned and demanded again my Resolution. I made the same Answer as before; and I think then (but I do not well remember it) he demanded Entrance for himself and twenty Horse; but in my Judgement (as I well saw how the State of Affairs stood) being fully satisfied, that if his Person were in but with half that Number, I was in no ways Master of the Town, I intreated his Pardon in that.

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Soon after he went away and lodged at Beverley; from whence he sent, next Day, two Heralds to demand Entrance to see his Magazine; but I yet intreated his Pardon; Breach of Trust still sounding horrid in my Ears. Upon Tuesday after, came one Savage, a Knight^r, and Mr. Carey, I know neither of their Christian Names. They said, They were sent by the King to deliver a Letter to the Mayor, and demanded Entrance. I told them I would be responsible it should be delivered; which I did: It contained a great Length, the chief, as I remember, confirming us all Traitors; Aggravations of my Offence; and that he had advertised his Parliament of it to have me punished according to my Demerits; with Command to the Townsmen and Soldiers not to obey me, nor to suffer the Magazine to be removed.

The Sheriff, as I hear, hath refused to levy the Posse Comitatus; being, it seems, he conceives against Law. All the Gentry and Justices are, as I hear, sent for to York. His Majesty, at his being at the Walls, told me, If I would not let him in, he would raise the Trained Bands.

Sir, As I was writing this, I received a Letter by Mr. Askew, for which I must return my most humble Thanks; and (God willing) the Parliament may rest most assured, That there shall not want my utmost Endeavours faithfully to serve them in my Life and Fortune. I shall desire you will represent to them the absolute Necessity of present Monies in some good Proportion; the Necessity of Affairs having constrained me to call such other of the County in, as I was hopeful of would be assured to me, though not many yet:

So

^r The Earl of Newcastle in Disguise, as mentioned in the foregoing Declaration,

Rusworth, Vol. IV. p. 565,

An. 18. Car. I. 1642.
 So as if they please to take some Course for the Seaward, I hope to give a good Account of this Place.

April,

I am sorry to write who were the Men; for there were many of those who were at the Parliament Door when the King came to the House.

Next, the Lords read a Petition from the Attorney-General, and ordered his Release from the Prison of the Fleet.

Proceedings of
 the Commons on
 the *Kentish* Pe-
 tition,

April 30. This Day the Commons proceeded further in the Affair of the *Kentish* Petition. Sir *Edward Dering's* Book of Speeches (on Occasion of publishing whereof he had been expelled the House) being lately reprinted, they referred the Consideration of that Matter to a Committee; ordered the Impression to be seized; and also to inquire who printed the said Petition, of which several Bundles of Copies had been found upon some of the Petitioners. But

Notwithstanding these vigorous Resolutions of the House of Commons, the Men of *Kent* had the Courage to come up to *London* with their Petition: For we find in the *Journals* the following Entry, 'The House being inform'd, that divers Gentlemen of the County of *Kent* were at the Door, that desired to present a Petition to the House, they were called in, presented their Petition, and then withdrew: And their Petition was read, and appeared to be the same that was formerly burnt, by Order of both Houses, by the Hands of the common Hangman.'

Hereupon some of the Petitioners were called in, and examined. Capt. *Lovelace*, who said he preferred the Petition by Command of the Gentlemen assembled at *Blackheath*, was committed to the *Gatehouse*; Sir *William Boteler*, who was also concern'd therein, having been at *York* since the Affizes at *Maidstone*, was committed to the *Fleet*: But

The other Gentlemen that presented the said Petition being called in, Mr. Speaker, by Command of the House, told them, 'The House has considered of the Petition that you presented. And they know you cannot be ignorant what Opinion both Houses

‘ Houses have formerly expressed of the same Petition: Yet considering that you are young Gentlemen, misled by the Solicitation of some not affected to the Peace of the Kingdom; and that, howsoever they intend to proceed against the chief Agents and prime Actors in this Business, they are willing that you should be dismissed; hoping that you may hereafter prove good Members of the Commonwealth.’

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1642.
April,

Two Messages from the King were, this Day also, delivered to the Lords by the Lord-Keeper: The one about the Affair of *Hull*, and the other concerning the Militia Bill; which were *in hæc Verba*:

WE are so much concern'd in the undutiful Affront (an Indignity all our good Subjects must disdain in our Behalf) we received from Sir John Hotham at Hull, that we are impatient till we receive Justice from you, and are compell'd to call again for an Answer; being confident (however you would be so careful, though without our Consent, to put a Garrison into that our Town, to secure it and our Magazine against any Attempt of the Papists) that you never intended to dispose and maintain it against us your Sovereign: Therefore we require you forthwith, for the Business will admit no Delay, that you take some speedy Course that our said Town and Magazine be immediately delivered up unto us; and that such severe exemplary Proceedings be against those Persons, who have offered us this insupportable Affront and Injury, as by the Law is provided; and till this be done, we shall intend no Business whatsoever other than the Business of Ireland: For if we are brought into a Condition so

The King's second Message, demanding Satisfaction against Sir John Hotham,

† Lord Clarendon informs us, That this Petition was brought up by some Gentlemen of *Kent*, with a great Number of the substantial Inhabitants of that County; that, upon the Alarm, the City was put in Arms, and strong Guards placed at *London Bridge*, where the Petitioners were disarm'd, and only some few suffered to pass with their Petition to *Westminster*, the rest forced to return to their Country. He then proceeds to several other Circumstances relating to this very remarkable Affair; which we have already mention'd, more at large, from the *Journals*.

Hist. Vol. II. p. 486.

An. 18. Car. I. *so much worse than any of our Subjects, that, whilst you all enjoy your Privileges, and may not have your Possessions disturbed, or your Titles questioned, we only may be spoiled, thrown out of our Towns, and our Goods taken from us; 'tis Time to examine how we have lost those Privileges; and to try all possible Ways, by the Help of God, the Law of the Land, and the Affection of our good Subjects, to recover them, and vindicate ourself from those Injuries. And if we shall miscarry herein, we shall be the first Prince of this Kingdom that hath done so; having no other End, but to defend the true Protestant Profession, the Law of the Land, and the Liberty of the Subject; and God so deal with us as we continue in these Resolutions.*

1642.

April.

Given at our Court at York, April the twenty-eighth, 1642.

The second Message, of the same Date, ran thus :

His Reasons for refusing to pass the Militia Bill.

WE have, with great Deliberation and Patience, weighed and considered (it concerning us much to weigh the Consequences of every Law before we pass it) your Bill lately sent to us for the Settling of the Militia: And though it hath not been usual to give any Reason for our Refusal to pass any Bill; (it being absolutely in our Power to pass or not pass any Act sent unto us by you, if we conceive it prejudicial to ourself, or inconvenient for our Subjects, for whom we are trusted, and must one Day give an Account) yet in this Business of the Militia, which being misunderstood amongst our good Subjects, hath been used as an Argument, as if we were not vigilant enough for the Public Safety: And lest we should be thought less constant in our Resolutions, and this Bill to be the same we sent unto you, we have thought fit to give you, and all the World, particular Satisfaction why we cannot, ought not, must not, pass this Bill; being the first public Bill, to our Remembrance, we have refused this Parliament: And therefore we must complain, That having expressed ourself so clearly and particularly

particularly to you in this Point, you should press any Thing upon us, which you could not but foresee that we must refuse; except we departed from those Resolutions, grounded upon so much Reason, we had so earnestly before acquainted you with, and against which you have not given one Argument to satisfy our Judgment.

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We are pleased that you have declined the unwarrantable Course of your Ordinance, (to the which we are confident our good Subjects would never have yielded Consent) and chosen this only right Way of imposing on our People, which we would have allowed but for the Reason hereafter mentioned.

We refused to consent to your Ordinance; as for other Things, so far that the Power was put into the Persons nominated therein by Direction of both Houses of Parliament, excluding us from any Power in the Disposition or Execution of it together with you. We then advised you, for many Reasons, that a Bill should be prepared; and after, in our Answer of the twenty-sixth of March last to the Petition of both Houses, we told you, If such a Bill should be prepared with that due Regard to us, and Care of our People in the Limitation of the Power and other Circumstances, we should recede from nothing we formerly expressed. What passed (enough to have discouraged us from being further solicitous in that Argument) after our full and gracious Answers, we are content to forget.

When we resolved on our Journey into Ireland (so that by reason of our Absence there might be no want of settling that Power, besides complying with your Fears) we sent, together with a Message of that our Purpose, a Bill for the settling that Power for a Year; hoping in that Time to return to you; and being sure that, in much less Time, you might do the Business for which you seemed at first to desire this; which was, That you might securely consider our Message of the twentieth of January last. By that Bill we consented to those Names you proposed in your Ordinance; and, in the Limitation of the Power, we provided that ourself should not be able to execute any Thing but by your Advice; and when we should be out of the Kingdom, the sole Execution to be in you; with many other Things of so arbitrary

An. 18. Car. 1.

1642.

April.

arbitrary and uncircumscribed a Power, that we should not have consented to, but with Reference to the Absence of our own Person out of the Kingdom; and thought it the more sufferable, in respect the Time was but for a Year; whether this be the Bill you have now sent us to pass, let all the World judge.

You have, by this Bill now tendered to us, without taking Notice of us, put the Power of the whole Kingdom, the Life and Liberties of the Subjects of all Degrees and Qualities, into the Hands of particular Men for two Years. Can you imagine we will trust such an absolute Power in the Hands of particular Persons, which we refused to commit to both Houses of Parliament? Nay, is not the Power itself too absolute, too unlimited, to be committed into any private Hands? Hath not Sir John Hotham's high Insolency shewed us what we may expect from an exorbitant legal Power, when he, by a Power not warranted by Law, dares venture upon a treasonable Disobedience?

But we would willingly know (and indeed such an Account in ordinary Civility we might have expected) why we are, by this Act, absolutely excluded from any Power or Authority in the Execution of the Militia? Sure your Fears and Jealousies are not of such a Nature, as are capable of no other Remedy, than by leaving us no Power in a Point of the greatest Importance in which God and the Law hath trusted us solely; and which we were contented to share with you by our Bill, by putting it, and a greater, into the Hands of particular Subjects. What would all Christian Princes think of us, after we had passed such a Bill? How would they value our Sovereignty? And yet sure our Reputation with foreign Princes is some Ground of your Security: Nay, we are confident, by that Time you have thoroughly considered the possible Consequence of the Bill upon yourselves, and the rest of our good Subjects, you and they will give us Thanks for not consenting to it; finding their Condition, had it passed, not to have been so pleasing unto them. We hope this Animadversion will be no Breach of your Privileges in this Throng of Business, and Distemper of Affections:

tions: 'Tis possible second Thoughts may present some-
what to your Considerations which escaped you before.

We passed, this Parliament, at your Entreaty, a Bill concerning the Captives of Algiers; and waved many Objections of our own to the contrary, upon Information that the Business hath been many Months considered by you. Whether it prove suitable to your Intentions, or whether you have not, by some private Orders, suspended that Act of Parliament, upon View of the Mistakings, you best know; as likewise what other great Alterations you have made in other Bills passed this Session. We cannot pass over the putting their Names out of this Bill whom, before, you recommended to us in your Ordinance; it seems not thinking fit to trust those who would obey no Guide but the Law of the Land; (we imagine you would not wish we should, in our Estimation of others, follow that your Rule) and the leaving out, by special Provision, the present Lord Mayor of London, as a Person in your Disfavour; whereas we must tell you, his Demeanor has been such, that the City and the whole Kingdom is beholden to him for his Example.

To conclude. We do not find ourself possessed of such an Excess of Power, that it is fit to transfer, or consent it should be in other Persons, as is directed by this Bill: And therefore we shall rely upon that Royal Right and Jurisdiction, which God and the Law hath given us, for the suppressing of Rebellion, and resisting foreign Invasion, which hath preserved this Kingdom in the Time of all our Ancestors, and which we doubt not but we shall be able to execute: And not more for our own Honour and Right, than for the Liberty and Safety of our People, we cannot consent to pass this Bill.

The two foregoing Messages being read, the
Lords took them both into serious Consideration,
and

† Sir Richard Gourney, who had remarkably distinguished himself against the Tumults raised about the Time of passing the Earl of Strafford's Bill. He was afterwards removed from his Office of Lord Mayor, &c, by the Parliament, as will appear in the Sequel.

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An. 18. Car. I. and resolved to have a Conference with the Commons about them. Accordingly they dispatched a Message down to that House, to desire a Conference on two Messages from the King, of the highest Consequence they had ever yet received. The Lord-Keeper was appointed to open the Conference, and the Earl of *Essex* to tell the Commons, That this House conceived these Messages proceeded from the destructive Counsels and Advice of evil and wicked Men about the King; therefore to desire them that the Parliament might speedily consider of naming those ill Counsellors; and that some Course may be taken to have them, wheresoever they are within the King's Dominions, that so they may be brought to condign Punishment.

1642.

April.

A Conference thereupon.

This Conference being held, and the Commons returned to their own House, they soon after sent up a Message to the Lords, importing, That they did agree in the Matter of the last Conference, about the King's two Messages; and had appointed a Committee of their Members to join with another of the Lords, to consider what was fitting to be done in this Business; with a larger Power to take into Consideration, also, any Thing else which concerns the Safety of the Kingdom; and that they might meet immediately.

Several Lord-Lieutenants refuse to execute their Commissions.

Also the House of Commons desired their Lordships would put the Ordinance of both Houses of Parliament, for settling the Militia, into present Execution. The Lords agreed to both these Articles, and ordered accordingly: Notwithstanding which the Execution thereof went on but slowly; some of the Lords appointed Lieutenants therein, not being very fond of their new Offices. For we find, by the *Lords Journals*, that the Marquis of *Hertford*, who had been nominated Lieutenant of the County of *Somerset*, sent a Message to the Lords, That he should be very glad to obey the House, and to serve the Commonwealth in what he may; but desired, at this Time, to be excused accepting of the Lieutenancy, for this Reason, That he was

not

not at the Debate of the Militia, and therefore is utterly ignorant of what passed in it; and that unless the King gives his Consent to it, he hopes their Lordships will not impose it upon him: Hereupon the Earl of *Bedford* was appointed in his Place.—The Lord *Strange* desiring to be excused from accepting the Lieutenantancy of *Cheshire*, and the Earl of *Cumberland* that of *Westmoreland*, the Lord Viscount *Say* and *Sele* was nominated to the one, and Lord *Hastings* to the other.—The Earl of *Lincoln* declared himself ready to obey the Commands of Parliament; but, in regard that no Counties were divided but that of *Lincoln*, he desired to be excused: Hereupon the Lord *Willoughby* of *Parham* was appointed Lieutenant of that whole County.—The Lord *Paget*, also, who had accepted the Lieutenantancy of *Buckinghamshire*, (and even appointed his Deputies, as Mr. *Whitlocke* informs us) threw up his Commission. This Lord had, most zealously, concurred with the Parliament in all their late Measures: And the Reasons for his sudden Change of Conduct will appear, from his own Letter, in the Sequel.

An. 18. Car. I.
1642.
April.

Another Conference was this Day held between the two Houses, in which the Commons presented a second Declaration which had passed their House, to which they desired the Lords Concurrence. It was to this Effect:

‘THE Lords and Commons in this present Parliament, being informed that, upon the twenty-third of this Instant *April*, his Majesty repaired to the Town of *Hull*, and demanded it to be delivered up to him; and being denied by Sir *John Hotham*, appointed by both Houses of Parliament to keep that Town, for the Safety and Peace of the Kingdom, his Majesty said, *That if Sir John Hotham would not let him into the Town, he would raise the Trained Bands and force him to it.* And being further informed, That, shortly after, the Sheriff of *Yorkshire* did receive a Message, intimating

The Parliament's Second Declaration concerning *Hull*.

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‘ mating a Command from his Majesty to raise the
 ‘ Trained Bands and Power of the County; and
 ‘ that the Justices of the Peace, and Gentlemen of
 ‘ it, have been summoned to attend his Majesty at
 ‘ York, as they have Cause to believe, for the same
 ‘ Purpose; to the great Terror of his Majesty’s Sub-
 ‘ jects in those Parts, and the Disturbance of the
 ‘ Public Peace: The Lords and Commons do de-
 ‘ clare, That the said Command to the Sheriff, and
 ‘ the Summoning the Justices of Peace, &c. to the
 ‘ Purpose aforesaid, is against the Laws of the Land,
 ‘ and the Liberty of the Subject; and very deroga-
 ‘ tory from the Honour and Power of the Parlia-
 ‘ ment, now sitting, being his Majesty’s Great
 ‘ Council, and most ready and willing to advise and
 ‘ assist him in all Things that may tend to the Ho-
 ‘ nour and Safety of his Person, the Weal and
 ‘ Happiness of the Church and State.

‘ And they further declare, That if any Persons
 ‘ whatsoever, in the said County of York, or else-
 ‘ where, shall advise or assist in the raising of any
 ‘ Forces to the Purpose above, they shall be deem-
 ‘ ed as Disturbers of the Common Peace, and Ene-
 ‘ mies to the King and State; and shall receive
 ‘ such severe Punishments as, by the Laws of this
 ‘ Land, are to be inflicted on Offenders of such
 ‘ high Nature.

May 2. A Conference was held this Day, be-
 tween the two Houses, at the Desire of the Com-
 mons, the Report of which was made by the Lord-
 Keeper, to this Effect, ‘ That they presented a
 Narrative, drawn by *John Rushworth*, one of the
 Clerks of the House of Commons, of some Mat-
 ters which came to his Knowledge, when he was
 at *Hull*, where he was sent by the House. ” Next,
 they presented to their Lordships Consideration a
 Petition delivered to his Majesty, by some of the
 Knights,

“ It does not appear by the *Journals* what this Narrative was,
 the Entry therein being only thus, ‘ *Mr. Rushworth* gives an Ac-
 ‘ count to the House of his Journey to *York* and *Hull* * * * *

Knights, Gentry, and Freeholders of the County An. 18. Car. I.
of York. 1642.

This Petition was framed on a different System from the last; representing that as the Work of a few Gentlemen only, who took upon them to anticipate the Demonstrations of Duty, which they were informed both Houses were preparing to lay before the King, for his Resolutions thereupon, directly opposite to the Petition from Parliament about removing the Magazine from *Hull*, and tending to foment Divisions between the King and his great Council. They desired his Majesty to apply himself to all good Ways of Union; that those Duties, which, by the Laws of God and Man, they owed, and which were expressed in their last Protestation, might not become a divided Proposition; since the Defence of his Majesty's Person, Honour, and Estate, the Power and Privileges of Parliament, and the lawful Rights and Liberties of the Subject, taken jointly, did all serve to strengthen each other, which they would equally labour to preserve to the utmost of their Powers, Lives, and Estates.

A Counter-Petition to the King from others of the *Yorkshire* Gentry, &c.
May.

After this were read some Propositions made by the King to those *Yorkshire* Gentlemen, and their Answer to them. The Substance of the first was, To know whether they would defend his Majesty's Royal Person from Violence, according to their Duty, or not? And to have their Advice concerning his not being admitted into his Town of *Hull*; how his Majesty may be vindicated in his Honour for the Affront; and how he may be put in Possession of his own. To which they answered,

May it please your most Sacred Majesty,

‘ **W**E shall be ready to defend your Majesty's Person from Violence, by all such Ways as the Laws and our Duty bind us: And for the Means to vindicate your Majesty's Honour, and put you into Possession of your own, we conceive the best Advice we can offer is, humbly to desire your Majesty to hearken to the Counsel of the
 ‘ Par-
 ‘ Who advise him to hearken to his Parliament.

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An. 18. Car. 1. 1642.
 May. Parliament; who, we assure ourselves, will be
 ' careful of your Majesty's Person and Honour,
 ' and to whom you have been pleased to direct a
 ' Message.'

On Consideration of these, the Commons said,
 ' That they desired the Lords to join with them in
 returning Thanks to the *Yorkshire* Gentry, for their
 Conduct in this Affair, and especially to the then
 High-Sheriff, Sir *Richard Hutton*, * Sir *Henry*
Cholmley, and Mr. *Pelham*, two Members of their
 House. Likewise the Commons said it was fit
 and necessary to send down some of their Members,
 as a Committee, into *Yorkshire*, with Instructions
 from both Houses; and they leave it to their Lord-
 ships Judgment, whether they would send any Mem-
 bers of their House to join with them. Lastly, They
 desired that the Committee of both Houses, last ap-
 pointed, might meet and expedite the Answer to the
 King's two last Messages concerning *Hull, &c.*'

A Committee of both Houses appointed to go in-
 to *Yorkshire*. All this was agreed to by the Lords; and the
 Lord *Howard of Eſcrick* was appointed to go with
 a Committee of the Commons to *York*.

The same Day the Relation of a great Victory,
 obtained by the *English* against the Rebels in *Lein-*
ster, was read in the House of Commons, and or-
 dered to be forthwith printed. Mr. *Pymme* was
 also desired to prepare a Letter, to be sent to the
 Earl of *Ormond*, in Acknowledgment of his great
 Service done therein. The Commons afterwards
 ordered 500*l.* to be laid out in a Jewel as a Present
 to his Lordship; and Mr. *Goodwin* was sent to the
 Lords, to desire them to join in a Petition to the
 King to make the said Earl a Knight of the
 Garter.

The Earl of *Or-*
mond's Success in
Ireland.

A Proclamation was issued out by the Lords, in
 the King's Name, to summon *George Lord Digby*
 to

* This was Sir *Richard Hutton* of *Goldsbrough*, called Judge *Hut-*
ton: The Knight of the same Name, who sign'd the former Peti-
 tion, was *Hutton* of *Marſke*, or *Poppleton*, Son to *Abp. Hutton*.

to appear and answer to his Impeachment, on the An. 18. Car. 1.
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May 3. Nothing of Moment done in the House of Lords, but passing the Tonnage and Poundage Bill by Commission.

May 4. The Commons sent up a Bill, intituled, *An Act for the Forfeiture of the Lands and Estates, and for the Punishment of John Archbishop of York, with the rest of the Bishops, formerly impeached by them of High Treason;* which was read a first Time by the Lords. And

Mr. *Pymme* brought up an Answer to the King's two last Messages about *Hull*, as also Instructions to be given to the Parliament's Commissioners for *Yorkshire*, to all which they desired their Lordships Concurrence. These were both read, but were not agreed to this Day.

May 5. On the humble Petition of the twelve The Impeached Bishops, imprisoned now in the Tower above eight- Bishops bailed, teen Weeks, they were released by the Lords, this Day, upon Bail. The Archbishop of *York* and his Sureties were bound in 5000 l. and he ordered not to go to his Diocese during the Disturbances in that County.

The Lords having considered the Commons Declaration concerning the Militia, made some small Amendments to it; which being agreed to, it was this Day read in the House of Lords *in hæc Verba:*

‘ THE Lords and Commons holding it neces- The Parlia-
‘ sary, for the Peace and Safety of this King- ment’s Answer
‘ dom, to settle the Militia thereof, did, for that to the King’s
‘ Purpose, prepare an Ordinance of Parliament; and, the Militia Bill;
‘ with all Humility, did present the same to his
‘ Majesty for his Royal Assent; who, notwith-
‘ standing the faithful Advice of his Parliament, and
‘ the

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‘ the several Reasons offered by them of the Necessity thereof, for the securing of his Majesty’s Person, and the Peace and Safety of his People, did refuse to give his Consent; and thereupon they were necessitated, in Discharge of the Trust reposed in them as the Representative Body of the Kingdom, to make an Ordinance, by Authority of both Houses, to settle the Militia, warranted thereunto by the Fundamental Laws of the Land: His Majesty taking Notice thereof, did, by several Messages, invite them to settle the same by Act of Parliament; affirming in his Message, sent in Answer to the Petition of both Houses, presented to his Majesty at *York* the 26th of *March*, *That he always thought necessary the same should be settled, and that he never denied the Thing, only denied the Way; and for the Matter of it, took Exceptions only to the Preface, as a Thing not standing with his Honour to consent to; and that himself was excluded the Execution, and for a Time unlimited:* Whereupon the Lords and Commons (being desirous to give his Majesty all Satisfaction that might be, even to the least Tittle of Form and Circumstance) when his Majesty was pleased to offer them a Bill ready drawn, did, for no other Cause than to manifest their hearty Affection to comply with his Majesty’s Desires and obtain his Consent, entertain the same; and in the mean Time no way declining their Ordinance, and to express their earnest Zeal to correspond with his Majesty’s Desire (in all Things that might consist with the Peace and Safety of the Kingdom, and the Trust reposed in them), did pass that Bill; and therein omitted the Preamble inserted before the Ordinance, limited the Time to less than two Years, and confined the Authority of the Lieutenants to these three Particulars, namely, Rebellion, Insurrection, and foreign Invasion; and return’d the same to his Majesty for his Royal Assent.

‘ But all these Expressions of Affection and Loyalty, all these Desires and earnest Endeavours

‘ to

to comply with his Majesty, have, to their great Grief and Sorrow, produced no better Effect than an absolute Denial even of that which his Majesty, by his former Messages as we conceive, had promised; the Advice of evil and wicked Counsels receiving still more Credit with him than that of his great Council of Parliament, in a Matter of so high Importance, that the Safety of his Kingdom, and the Peace of his People, depends upon it.

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But now, what must be the Exceptions to this Bill? Not any sure that was to the Ordinance; for a Care was taken to give Satisfaction in all those Particulars. Then the Exception was, Because that the Disposing and Execution thereof was referred to both Houses of Parliament, and his Majesty excluded: And now, That, by the Bill, the Power and Execution is ascertained and reduced to Particulars, and the Law of the Realm made the Rule thereof, his Majesty will not trust the Persons: The Power is too great, too unlimited to trust them with. But what is that Power? Is it any other, but in express Terms to suppress Rebellion, Insurrection, and foreign Invasion? And who are those Persons? Are they not such as were nominated by the great Council of the Kingdom, and assented to by his Majesty? And is it too great a Power to trust those Persons with the Suppression of Rebellion, Insurrection, and foreign Invasion? Surely the most wicked of them that advised his Majesty to this Answer cannot suggest but that it is necessary, for the Safety of his Majesty's Royal Person and the Peace of the Kingdom, such a Power should be put in some Hands; and there is no Pretence or Exception to the Persons.

His Majesty, for the Space of above fifteen Years together, thought not a Power far exceeding this to be too great to intrust particular Persons with, to whose Will the Lives and Liberty of his People, by Martial Law, were made subject;

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‘ for such was the Power given to Lord-Lieutenants
 ‘ and Deputy-Lieutenants in every County of this
 ‘ Kingdom, and that without Consent of his People
 ‘ or Authority of Law : But now, in case of extream
 ‘ Necessity, upon the Advice of both Houses of Par-
 ‘ liament, for no longer Space than two Years, a
 ‘ lesser Power, and that for the Safety of King and
 ‘ People, is thought too great to trust particular
 ‘ Persons with, tho’ named by both Houses of Par-
 ‘ liament, and approved of by his Majesty himself.

‘ And surely, if there be a Necessity to settle the
 ‘ Militia, (which his Majesty was pleased to con-
 ‘ fess) the Persons cannot be intrusted with less
 ‘ Power than this to have it at all effectual. And
 ‘ the Precedents of former Ages, when there hap-
 ‘ pened a Necessity to raise such a Power, never
 ‘ straitened that Power to a narrower Compass ;
 ‘ witness the Commissions of Array in several Kings
 ‘ Reigns, and often issued out by the Consent and
 ‘ Authority of Parliament.

‘ The Lords and Commons therefore, intrusted
 ‘ with the Safety of the Kingdom and Peace of the
 ‘ People, (which they call God to witness is their
 ‘ only Aim) finding themselves denied these their
 ‘ so necessary and just Demands, and that they can
 ‘ never be discharged before God or Man, if they
 ‘ should suffer the Safety of the Kingdom and Peace
 ‘ of the People to be exposed to the Malice of the
 ‘ malignant Party at home, or the Fury of Ene-
 ‘ mies from abroad : And knowing no other Way
 ‘ to encounter the imminent and approaching Dan-
 ‘ ger, but by putting the People into a fit Posture
 ‘ of Defence, do resolve to put their said Ordinance
 ‘ in present Execution ; and do require all Persons
 ‘ in Authority, by virtue of the said Ordinance,
 ‘ forthwith to put the same in Execution, and all
 ‘ others to obey it, according to the Fundamental
 ‘ Laws of the Kingdom in such Cases ; as they ten-
 ‘ der the Upholding of the true Protestant Religion,
 ‘ the Safety of his Majesty’s Person and his Royal
 ‘ Posterity, the Peace of the Kingdom, and the
 ‘ Being of this Commonwealth.’

This

This Declaration was ordered to be forthwith printed and published, and Warrants were issued for exercising the Militia, throughout the Kingdom. An. 18. Car. I.
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Next, the Answer to the King's two Messages about Sir *John Hotham* and *Hull* was read, and the Commissioners Instructions; which were both as follows:

The most HUMBLE ANSWER of the LORDS and COMMONS in Parliament to two Messages from your Sacred Majesty, concerning Sir John Hotham's Refusal to give your Majesty Entrance into the Town of Hull.

YOUR Majesty may be pleased to understand, And to his Mes-
sages concerning
Sir *John Hotham*.
that we, your great Council, finding manifold Evidences of the wicked Counsels and Practices of some in near Trust and Authority about you, to put the Kingdom into a Combustion, by drawing your Majesty into Places of Strength, remote from your Parliament; and by exciting your People to Commotions, under Pretence of serving your Majesty against your Parliament: Lest this malignant Party, by the Advantage of the Town and Magazine of *Hull*, should be enabled to go through with their mischievous Intentions, did (in Discharge of the great Trust that lies upon us, and by that Power which, in Cases of this Nature, resides in us) command the Town of *Hull* to be secured by a Garrison of the adjoining Train'd Bands, under the Government of Sir *John Hotham*; requiring him to keep the same for the Service of your Majesty and the Kingdom; wherein we have done nothing contrary to your Royal Sovereignty in that Town, or legal Property in the Magazine. Upon Consideration of Sir *John Hotham*'s Proceedings at your Majesty's being there, we have, upon very good

Y Lord *Clarendon* observes hereupon, That this being the first Order for Printing, without a previous Communication or Presentation to the King, his Majesty was much troubled how to take proper Notice of it,

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‘ good Grounds, adjudged, That he could not discharge the Trust upon which, nor make good the End for which, he was placed in the Guard of that Town and Magazine, if he had let in your Majesty, with such Counsellors and Company as were then about you.

‘ Wherefore, upon full Resolution of both Houses, we have declared Sir *John Hotham* to be clear of that odious Crime of Treason ; and have avowed, That he hath therein done nothing, but in Obedience to the Commands of both Houses of Parliament ; assuring ourselves, that, upon mature Deliberation, your Majesty will not interpret his Obedience to such Authority to be an Affront to your Majesty ; or to be of that Nature as to require any Justice to be done upon him, or Satisfaction to be made to your Majesty ; but that you will see just Cause of joining with your Parliament, in preserving and securing the Peace of the Kingdom ; suppressing this wicked and malignant Party, who, by false Colours and Pretensions of maintaining your Majesty’s Prerogative against the Parliament, wherein they fully agree with the Rebels in *Ireland*, have been the Cause of all our Distempers and Dangers.

‘ For Prevention whereof we know no better Remedy, than settling the Militia of the Kingdom according to the Bill which we have sent your Majesty ; without any Intention of deserting or declining the Validity or Observance of that Ordinance, which past both Houses upon your Majesty’s former Refusal ; but we still hold that Ordinance to be effectual by the Laws of this Kingdom.

‘ And we shall be exceeding glad if your Majesty, by approving these our just, dutiful, and necessary Proceedings, shall be pleased to entertain such Counsel, as we assure ourselves, by God’s Blessing, will prove very advantageous for the Honour and Greatness of your Majesty, and the Safety and Peace of your People ; amongst which we know none more likely to produce such good

Ef-

‘ Effects, than a Declaration from your Majesty of An. 18. Car. I.
 ‘ your Purpose to lay aside all Thoughts of going 1642.
 ‘ into *Ireland*; and to make a speedy Return into }
 ‘ these Parts, to be near your Parliament: Which, May.
 ‘ as it is our most humble Desire and earnest Peti-
 ‘ tion, so shall it be seconded with our most dutiful
 ‘ Care for the Safety of your Royal Person; and
 ‘ constant Prayers that it may prove honourable
 ‘ and successful, in the Happiness of your Majesty
 ‘ and all your Kingdoms.’

INSTRUCTIONS for Edward Lord Howard, Ferdi-
 nando Lord Fairfax, Sir Hugh Cholmley, Sir
 Philip Stapylton, Sir Henry Cholmley, Commit-
 tees of both Houses of Parliament, or any three
 of them. ^z

I. ‘ **Y**OU shall, in the Name of both Houses, Their Instructi-
 ‘ declare and publish unto the Sheriff of ons to the York-
 ‘ the County of *York*, the Knights, Gentlemen, shire Committee.
 ‘ and others, his Majesty’s Subjects in that County,
 ‘ That Sir *John Hotham* was, by us, commanded
 ‘ to secure the Town of *Kingston* upon *Hull*, and
 ‘ the Magazine there for his Majesty’s Service and
 ‘ the Peace of the Kingdom, which, otherwise,
 ‘ would have been much endangered; and that,
 ‘ upon the same Reason, what hath since been done
 ‘ there by him hath been necessary in pursuance of
 ‘ those Directions; and is by us avowed and ap-
 ‘ proved of, as warranted by the Authority of both
 ‘ Houses of Parliament.

II. ‘ You shall further take Care, That such Re-
 ‘ solutions and Orders of both Houses, as have or
 ‘ shall be sent down, be put in Execution; and
 ‘ shall require the Sheriffs, Justices of the Peace,
 ‘ and all other his Majesty’s Officers and loving
 ‘ Subjects, to be aiding and assisting unto you for
 ‘ that Purpose.

III. ‘ You shall take Care, That no Forces be
 ‘ raised for the forcing the Town of *Hull*, or other-
 ‘ wise

^z These Instructions are enter’d in the *Journals* of both Houses;
 but not in *Husbands*, *Rushworth*, or any of the *Collections* of the
Times.

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‘ wise to disturb the Peace of the Kingdom ; and,
 ‘ in case any be raised, you shall require the Sheriff,
 ‘ in the Name of both Houses, to command them
 ‘ to disperse themselves ; and, if they refuse so to do,
 ‘ that then the Sheriff, by the same Authority,
 ‘ shall forthwith raise the Power of the County for
 ‘ the Suppressing of them ; and you shall likewise,
 ‘ by the same Authority, require the Lord-Lieute-
 ‘ nant, appointed by the Ordinance of Parliament,
 ‘ and, in his Absence, the Deputy-Lieutenants, to
 ‘ draw together the Train’d Bands, for the Assist-
 ‘ ance of the said Sheriff in so doing.

IV. ‘ Whereas we are informed, That his Ma-
 ‘ jesty did, at *York*, propound unto the Knights and
 ‘ Gentlemen of that County, there assembled by
 ‘ his Command, that they would join with him for
 ‘ the Defence and Assistance of his own Person :
 ‘ You shall declare unto them, and all others, That
 ‘ it hath ever been, and still shall be, the chief
 ‘ Care and Endeavour of the Parliament to provide
 ‘ for his Majesty’s Safety ; and that they do not
 ‘ know of any Evil intended unto his Royal Person,
 ‘ which should move him to take such a Course :
 ‘ That his greatest Safety is in the Affection, Duty,
 ‘ and faithful Advice of his Parliament ; and his
 ‘ greatest Danger in his withdrawing himself from
 ‘ them, and proceeding in Ways contrary to them :
 ‘ So as that the disaffected and malignant Party,
 ‘ under Colour of his Service, go about to raise a
 ‘ Faction and a Party against the Parliament ; which,
 ‘ at last, may break out into an open Rebellion, to
 ‘ the Destruction both of King and People, if it be
 ‘ not, through the Blessing of God, prevented by
 ‘ the Wisdom and Authority of Parliament.

V. ‘ That in case there be a Necessity for rai-
 ‘ sing the Forces of the County, for the Suppression
 ‘ of any Insurrection and keeping the Peace, you
 ‘ shall require Sir *John Hotham* to deliver such
 ‘ Proportion of Arms and Ammunition out of the
 ‘ Magazine there, as shall be necessary for that Ser-
 ‘ vice : And you shall publish and declare, That
 ‘ the Parliament holds it lawful and necessary, to
 ‘ dis-

‘ dispose of the public Magazines of the Kingdom An. 18. Car. I.
 ‘ for the Defence of the Kingdom ; as likewise for 1642.
 ‘ the Suppression of the Rebellion in *Ireland*, which
 ‘ doth so much concern the Safety of this Kingdom :
 ‘ But that it is their Intention, and Resolution, to
 ‘ store them again ; as holding it fit such a Propor-
 ‘ tion shall still be in Readiness, upon all Occa-
 ‘ sions, for the Service of the King and Defence of
 ‘ the Commonwealth.

VI. ‘ Whereas we are informed, That divers
 ‘ Persons, summoned to appear at the Parliament,
 ‘ have received a Command under his Majesty’s
 ‘ Hand, not to come there, but to abide still near
 ‘ his Majesty’s Person, for which Service we con-
 ‘ ceive them to be of all others the most unfit ; and
 ‘ that the Sheriff hath also been commanded, by
 ‘ his Majesty, not to execute any Warrant or Or-
 ‘ der upon them : You shall let the Sheriff know,
 ‘ That the Houses of Parliament will expect that
 ‘ their Orders and Commands shall be obeyed, the
 ‘ same being his Majesty’s Authority signified by his
 ‘ Highest Court ; and that any Restraint, or Com-
 ‘ mand, to the contrary is against Law and the Pri-
 ‘ vilege of Parliament.

VII. ‘ You shall endeavour to clear the Proceed-
 ‘ ings of Parliament from all Imputations and Asper-
 ‘ sions ; and shall, from Time to Time, certify us
 ‘ of all Things you may conceive necessary for the
 ‘ present Service : And, that we may have a speedy
 ‘ Account of it, and that our Directions to you, as
 ‘ well as your Advertisements to us, may have a
 ‘ clear and ready Passage, you shall lay a strict
 ‘ Charge upon all Post-masters, that they do not
 ‘ suffer any Letters, or other Dispatches directed
 ‘ to or from the Parliament, to be intercepted or
 ‘ stayed : And, if any shall presume to make such
 ‘ Stay of those Dispatches, you shall direct the Post-
 ‘ masters to repair to the Justices of Peace, Con-
 ‘ stables, and all other Officers, for their Aid and
 ‘ Assistance ; who are hereby required to take spe-
 ‘ cial Care there may be no such Interruption.

VIII.

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VIII. ' You shall observe and execute all such farther Directions and Instructions, as you shall, from Time to Time, receive from both Houses of Parliament.'

May 6. The Earl of *Essex* presented a Letter to the Lords, which he had received from the Lord Marquis of *Hertford*, Governor to the Prince of *Wales*, which was read to this Effect :

My Noble Lord,

York, May 3, 1642.

The Marquis of
Hertford's Letter
concerning the
Prince of *Wales*.

I being expected from me that I should give Answer to the House of Peers, whether I would undertake that the Prince should not be conveyed out of this Kingdom, I humbly desire your Lordship to make this Answer from me, That I will undertake that the Prince shall go no farther than his Majesty goeth, for so it hath pleased him to assure me; and that he shall not stir from him. For any other Undertaking I utterly disclaim it, as being a Thing out of my Power, and, consequently, a great Rashness and Presumption in me to undertake. Thus much I once more humbly pray your Lordship to present, with my humble and earnest Desire that the Order may be taken off, which may be so prejudicial to me, especially since I have so far declared myself. God remove all jealousies from us, and put a true Understanding between the King and his Parliament; which shall ever be the earnest and hearty Prayer of your Lordship's

Most faithful Brother,

and humble Servant,

HERTFORD.

This Letter was referred to a Committee of both Houses, to consider what was to be done concerning the Prince's Stay in *England*.

May 7. This Day the Lord Keeper presented to the Lords a Letter he had received from the King, with a Message inclosed; which, he said, he was com-

commanded to deliver to them; which was read An. 18. Car. 1.
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in these Words :

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*Since our gracious Message of the twenty-fourth of April last, to both Houses of Parliament (demand- The King's An-
ing Justice for the high and unheard-of Affront offer'd swer, May 4, to
unto us at the Gates of Hull by Sir John Hotham) is the Parliament's
not thought worthy of an Answer; but that, instead of Votes and De-
thereof, they have thought fit, by their printed Votes clarations con-
of the twenty-eighth of April last, to own and avow cerning Sir John
that unparalleled Act of Sir John Hotham's to be Hotbam and Hull.
done in Obedience to the Command of both Houses of
Parliament, though at that Time he could produce no
such Command; and, with other Resolutions against
our Proceedings there, to publish a Declaration con-
cerning that Business, as an Appeal to the People; as
if their Intercourse with us, and for our Satisfaction,
were now to no more Purpose: Though we knew this
Course of theirs to be very unagreeable to the Modesty
and Duty of former Times, and unwarrantable by any
Precedents but what themselves have made; yet we
are not unwilling to join Issue with them in this Way,
and to let all the World know, how necessary, just, and
lawful all our Proceedings have been in this Point;
and that the Defence of these Proceedings is the
Defence of the Law of the Land, of the Liberty and
Property of the Subject; and that by the same Rule
of Justice, which is now offered to us, all the private
Interest and Title of all our good Subjects to all their
Lands and Goods are confounded and destroyed. Mr.
Pymme himself tells you, in his Speech against the
Earl of Strafford, (published by the Order of the
House of Commons) The Law is the Safeguard, the
Custody of all private Interests; your Honours,
your Lives, your Liberties, and Estates are all in
the Keeping of the Law; without this, every Man
hath a like Right to any Thing. And we would
fain be answered, What Title any Subject of our King-
dom hath to his House or Land, that we have not to
our Town of Hull? Or what Right hath he to his
Money, Plate, or Jewels, that we have not to our
Magazine or Munition there? If we had ever such
a*

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a Title we would know when we lost it? And if that Magazine and Munition, bought with our own Money, were ever ours, when and how that Property went out of us? We very well know the great and unlimited Power of a Parliament; but we know as well that it is only in that Sense, as we are a Part of that Parliament. Without us, and against our Consent, the Votes of either or both Houses together must not, cannot, shall not (if we can help it, for our Subjects Sake as well as our own) forbid any Thing that is enjoined by the Law, or enjoin any Thing that is forbidden by the Law; but, in any such Alteration which may be for the Peace and Happiness of the Kingdom, we have not, shall not, refuse to consent: And we doubt not but that all our good Subjects will, easily, discern in what a miserable Insecurity and Confusion they must necessarily and inevitably be, if Descents may be altered, Purchases avoided, Assurances and Conveyances cancelled, the Sovereign legal Authority despised and resisted, by Votes or Orders of either, or both Houses; This, we are sure, is our Case at Hull; and as it is ours To-day, by the same Rule it may be theirs To-morrow.

Against any desperate Designs of the Papists we have sufficiently express'd our Zeal and Intentions, and shall be as forward to adventure our own Life and Fortune to oppose any such Designs, as the meanest Subject in our Kingdom.

For the Malignant Party; as the Law hath not to our Knowledge defined their Condition, so hath neither House presented them to us, under such a Notion as we may well understand whom they intend; and we shall therefore only enquire after, and avoid, the malignant Party under the Character of Persons disaffected to the Peace and Government of the Kingdom; and such who, neglecting and despising the Law of the Land, have given themselves other Rules to walk by, and so dispensed with their Obedience to Authority; of these Persons, as destructive to the Commonwealth, we shall take all possible Caution.

Why any Letters intercepted from the Lord Digby (wherein he mentions a Retreat to a Place of Safety) should

should hinder us from visiting our own Fort; and how we have opposed any Ways of Accommodation with our Parliament; and what Ways and Overtures have been offered in any Way, or like any Desire of such Accommodation; or whether our Message of the twentieth of January last, so oft in vain pressed by us, have not sufficiently expressed our earnest Desire of it, let all the World judge: Neither is it in the Power of any Persons to incline us to take Arms against our Parliament and our good Subjects, and miserably to imbroil this Kingdom in Civil Wars. We have given sufficient Evidence to the World how much our Affections abhor, and our Heart bleeds at, the Apprehension of a Civil War; and let God and the World judge, (if our Care and Industry be only to defend and protect the Liberty of the Subject, the Law of the Kingdom, our just Rights (Part of that Law) and our Honour, much more precious than our Life: And if, in Opposition to these, any Civil Wars shall arise) upon whose Account the Blood and Destruction that must follow must be cast: God and our own Conscience tells us that we are clear.

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For Capt. Legge's being sent heretofore to Hull, (tho', by the Way, this is the first Time we ever heard that he was accused for the Practice of bringing up the Army against the Parliament; neither do we yet know that there is such a Charge against him) or for the Earl of Newcastle's being sent thither by our Warrant and Authority, we asked a Question long ago, in our Answer to both Houses concerning the Magazine at Hull, which we have Cause to think is not easy to be answered: Why the general Rumour of the Designs of Papists in the Northern Parts should not be thought sufficient Ground for us to put in such a Person of Honour, Fortune, and unblemished Reputation, as the Earl of Newcastle is known to be, into a Town and Fort of our own, where our own Magazine lay; and yet the same Rumour be Warrant enough to commit the same Town and Fort, without our Consent, to the Hands of Sir John Hotham, with such a Power, as is now too well known and understood? How our Refusal
to

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to have that Magazine removed upon the Petition of both Houses, could give an Advantage against us to have it taken from us, and whether it was a Refusal, all Men will easily understand who read our Answer to that Petition, to which it hath not been yet thought fit to make any Reply.

For the Condition of those Persons who presented the Petition to us at York, (whom that Declaration calls, Some few ill-affected Persons about the City of York) to continue the Magazine at Hull^a; we make no doubt but that Petition will appear to be attested, both in Number and Weight, by Persons of Honour and Integrity, and much more conversant with the Affections of the whole County, than most of those Petitions which have been received with so much Content and Approbation: And for their Presumption of interposing their Advice, we the more wonder at that Exception, when such Encouragement hath been given, and Thanks declared, to Multitudes of mean and unknown People, 'Prentices and Porters, who have accompanied Petitions of very strange Natures.

For the Manner of our going to Hull; we have clearly set forth the same in our Message to both Houses on that Business; and for any Intelligence given to Sir John Hotham, of an Intention to deprive him of his Life, as we know there was no such Intention in us, having given him all possible Assurance of the same at our being there; so we are confident no such Intelligence was given, or if it were, it was by some Villain, who had nothing but Malice, or Design to fright him from his due Obedience, to warrant him. And Sir John Hotham had all the Reason to assure himself, that his Life would be in much more Danger by refusing to admit his King into his own Town and Fort, than by yielding him that Obedience, which he owed by his Oaths of Allegiance and Supremacy, and the Protestation, and he well knew was due and warrantable by the Laws of the Land.

For the Number of our Attendants, (though that could be no Warrant for such a Disobedience in a Subject) it is well known, as we expressed in our Message

to

^a At p. 450, in this Volume.

to both Houses, to which Credit ought to have been given, that we offered to go into the Town with twenty Horse only, our whole Train being unarmed: And whosoever thinks that too great an Attendance for ourself and our two Sons, have sure an Intention to bring us to a meaner Retinue than they yet will avow.

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Here then is our Case, of which let all the World judge: We endeavoured to visit a Town and Fort of our own, wherein our own Magazine lay; a Subject, in Defiance of us, shuts the Gates against us; with armed Men resists, denies, and opposes our Entrance; tells us, in plain Terms, We shall not come in. We do not pretend to understand much Law, yet, in the Point of Treason, we have had much Learning taught us this Parliament; and if the Sense of the Statute, 25 Edward III. Cap. 2. be not very different from the Letter, Sir John Hotham's Act was no less than plain High Treason: And we had been contemptibly stupid, if we had, after all those Circumstances of Grace and Favour then shewed him, made any Scruple to proclaim him Traitor; and whether he be so or no, if he shall render himself, we will require no other Trial, than that which the Law hath appointed to every Subject; and which we are confident we have not, in the least Degree, in those Proceedings violated, no more than we have done the Privileges of Parliament by endeavouring, in a just Way, to challenge our own unquestionable Privileges: For that in such a Case, the declaring him Traitor, being a Member of the House of Commons, without Process of Law, should be a Breach of Privilege of Parliament (of which we are sure none extends to Treason, Felony, or Breach of the Peace) or against the Liberty of the Subject, or against the Law of the Land, we must have other Reasons than bare Votes.

We would know if Sir John Hotham had, with those Forces by which he kept us out of our Town of Hull, pursued us to the Gates of York, which he might as legally have done, must we have staid from declaring him Traitor, till Process of Law might have issued against him? Will Fears and Jealousies

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dispense with real and necessary Forms; and must we, when actual War is levied upon us, observe Forms which the Law itself doth not enjoin? The Case is truly stated; let all the World judge (unless the meer Sitting of a Parliament doth suspend all Laws, and we are the only Person in England against whom Treason cannot be committed) where the Fault is: And whatsaever Course we shall be driven to for the Vindication of this our Privilege, and for the Recovery and Maintenance of our known and undoubted Rights, we do promise, in the Presence of Almighty God, and as we hope for his Blessing in our Success, that we will, to the utmost of our Power, defend and maintain the true Protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Privileges and Freedom of Parliament.

For the Order of Assistance given to the Committees of both Houses, concerning their going to Hull, we shall say no more, but that those Persons, named in that Order, we presume will give no Commands, or our good Subjects obey, other than what are warranted by the Law, how large and unlimited soever the Directions are, or the Instructions may be; far to that Rule we shall apply our own Actions, and by it require an Account from other Men. And that all our good Subjects may the better know their Duty in Matters of this Nature, we wish them carefully to peruse the Statute in the eleventh Year of Hen. VII. Cap. I. ^b

We conclude with Mr. Pymme's own Words: If the Prerogative of the King overwhelm the Liberty of the People, it will be turned to Tyranny: If Liberty undermine the Prerogative, it will grow into Anarchy: And so we say into Confusion.

A Conference
thereupon.

The Lords, taking this Message into Consideration, were of Opinion that it was the Fruits of evil Counsels and Advice about the King; and therefore resolved to communicate the same to the Commons, at a Conference; and to move that the Houses may speedily think of naming such Persons as are the evil Counsellors about his Majesty, that

so

^b See the Abstract thereof, with Lord Bacon's Remarks upon it, in our Second Volume.

so some Course may be advised how to remove them from him : Accordingly their Lordships sent to the House of Commons, to desire a Conference on a Message, received from the King, of a very high Nature ; at which a Committee of both Houses was appointed to prepare a speedy Answer.

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In the Report of this Conference, made by Mr. *Holles* to the Commons, he observed that the Earl of *Essex* said in it, ‘ That the Lords observed these Messages from the King to go higher and higher ; and he believed the King to be of that Goodness, that they came not from himself ; but from such as are Incendiaries, and that endeavour to raise a Division between the King and Parliament : That the Lords had formerly moved them to name those evil Counsellors, and did now press it again ; and that the Lords were ready to join with them in it, and did now lay it at their Doors, the Commons being the Representative Body of the Kingdom, and therefore most concerned in it.’

Hereupon the Commons made an Order, and appointed the *Monday* following for nominating the evil Counsellors and malignant Party about the King ; but we do not find any Thing further done in that Affair.

The same Day some Exceptions having been taken at Words spoke by Sir *Henry Ludlow*, he explained himself, and withdrew. And the House entered into Debate thereof ; after which he was call’d to his Place : And Mr. Speaker told him, ‘ That the Words which he spake, were Words that had an Aspect towards the King ; and when Words fall from him, that may reflect upon that Sacred Person, he ought to weigh them, that they may be accompanied with that Duty which is due from a loyal Subject to so gracious a Sovereign.’ It is not mentioned in the *Journals* what the Words were : But, in the King’s Declaration of the 12th of *August*, in this Year, they are said to be these, *That the King was not worthy to be King of England*’.

Sir *Henry Ludlow* reproved by the Speaker, for reflecting on the King.

I i 2

The

c This Sir *Henry Ludlow* was Father of Lieutenant-General *Edmund Ludlow*, one of the Regicides, and Author of the *Memoirs*.

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The King's Message to the Parliament, about his going into *Ireland*, having been thought proper to be communicated to the Privy Council in *Scotland*, their Opinion thereupon was this Day read in the House of Lords^d, and was as follows :

The Scots Privy Council's Opinion, as to the King's going to *Ireland*.

THE Lords of the Privy Council of the Kingdom of *Scotland*, in a full Meeting, having, according to the Importance of Matters of so great Weight and high Concernment, maturely, and at length, considered the several Declarations, Messages, Answers, and Instructions sent unto them from his Majesty ; as also what hath been represented unto them, in the Declaration sent from the Parliament of *England* ; do find themselves bound, in Duty, to acknowledge that they esteem it no small Happiness to receive true and full Informations from the Fountains ; and not to be left to the muddy and wandering Streams of private Misreports, which are ready to mislead such as follow them, from the right understanding of the Truth, into the dangerous bye Paths of Jealousies and Error : The preventing whereof made this Kingdom, in the Time of their late Troubles, so frequently to declare themselves and their Intentions, both to the King's Majesty and the Kingdom of *England*.

They do also receive and embrace, with all humble Respect and Thankfulness, from his Majesty, the large and lively Expressions of his Royal and Religious Resolution and Care to maintain and preserve the true Religion, Liberties, and Laws of his Kingdoms, together with a right Correspondence betwixt them ; it being the true and only Foundation of Greatness and Glory to himself and his Posterity, and of Peace and Happiness to his People ; for which this whole Kingdom, being straitly bound by their common Allegiance, natural Obedience, and national Oath, never to be forgotten, will be ever most willing to

^d From their *Journals*. We do not find it in any of the *Collections* of these Times.

to spend their Lives, Fortunes, and what is dearest An. 18. Car. I.
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They do, in like Manner, with reciprocal brotherly Affection, acknowledge the large Testimony of the Care and Zeal of the Parliament of *England*, to keep a right Understanding betwixt the two Nations; which both Parliaments have oblig'd themselves, by solemn Vow and Protestation, by all good Ways and Means to preserve; against which no sinister Information, nor Misreport, shall ever make this Kingdom to fall into such Misconstruction, as may be a Violation of their own Vow and Protestation made in Parliament: But, in the Midst of this their Joy and Gladness, arising upon the Professions and Protestations both of King and Parliament, they cannot but confess their unfeigned Grief and great Fears which they have received, upon the Misunderstanding and so long Distractions betwixt his Majesty and his Parliament; which, unless they be speedily removed, can bring forth no other Fruits than the Rejoicing and Triumphs of the common Enemies of our Religion and Peace; and such a World of Evils to his Majesty and his Dominions, as they are loath to suffer themselves to think upon; but chuse rather to wrap them up in Silence: Wishing that they may be made never more to appear, to the Encouragement of ill-affected Persons, and the Grief of the Hearts of all good Men.

And therefore, upon the one Part, they wish, and are confident, That the Honourable Houses of Parliament, in their great Wisdom and Affection, will leave no fair and good Means unessay'd to induce his Majesty to return unto them; that there may be a better Understanding betwixt him and his People, and they honoured with his Royal Presence, and strengthened by his Scepter and Authority. And altho' they know that they neither will, nor should, meddle with the public Actions of another Kingdom, farther than as they are called and interested as Fellow-Subjects under one Head and Monarch: Yet, since the Honourable

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‘ Houses of Parliament have thought meet to draw
 ‘ the Practice of the Parliament of *Scotland* into
 ‘ Example, in the Point of their Declaration ; they
 ‘ are confident that the Affection of the Parliament
 ‘ will lead them also to the Practice of this King-
 ‘ dom, in composing the unhappy Differences be-
 ‘ twixt his Majesty and them ; and, so far as may
 ‘ consist with their Religion, Liberty, and Laws,
 ‘ in giving his Majesty all Satisfaction ; especially
 ‘ in their tender Care of his Royal Person, of his
 ‘ Princely Greatness and Authority, and the Pro-
 ‘ sperity of the Kingdom.

‘ Upon the other Part, from the deep Sense of
 ‘ his Majesty’s Troubles, and from the Love and
 ‘ Loyalty of their Hearts, their humble Desire is,
 ‘ That his Majesty may be pleased to hearken to
 ‘ the earnest Desires and hearty Invitations of his
 ‘ People, in returning to his Parliament ; which,
 ‘ as it is his great, so it is his best and most impar-
 ‘ tial, Council ; that, by the Brightness of his Ma-
 ‘ jesty’s Presence and Countenance, all the Clouds
 ‘ of former Jealousies and Fears may be scattered ;
 ‘ a mutual Confidence may be revived ; and his
 ‘ People satisfied, as the only Means of Happiness
 ‘ both to the King and Kingdom ; the Reflection
 ‘ whereof, upon this Kingdom, will also increase
 ‘ our Happiness.

‘ And, since his Majesty hath been pleased to
 ‘ make known unto them his Resolution to go for
 ‘ *Ireland*, in his Royal Person, they are bold, as his
 ‘ Majesty’s loving Subjects and faithful Counsellors,
 ‘ to give their humble Opinion, That as they do, with
 ‘ their Hearts, acknowledge his Majesty’s fatherly
 ‘ composing of the Sufferings of his good Subjects
 ‘ by the Rebellion there ; his Princely Endeavours
 ‘ in quickening all Means that may serve for their
 ‘ Relief, and for the more speedy and powerful
 ‘ Suppression of the Rebels, and Deliverance of his
 ‘ People, in offering to hazard his own Royal Per-
 ‘ son ; than which there can be no greater Demon-
 ‘ stration of Princely Care and Courage : So they,
 ‘ by their natural Affection, and by their Desire of
 ‘ the

the Preservation of his Majesty's Person, (upon which dependeth the Safety of this Kingdom) are constrained, in all Humility, to represent, That they conceive it to be a Matter which requireth very mature Deliberation, Whether his Majesty shall hazard his own Royal Person in such a War, and thereby also put all his good Subjects in great Fears for him? Whether the great Affairs and dangerous Distractions of this Kingdom of *England* (which never did more require his personal Presence) may suffer his Absence at this Time? Whether his going, in Person, against such base Rebels, be not descending too low from that highest Dignity and Royal Eminency wherein God hath placed him, as his immediate Vicegerent? And whether it be not more for his Majesty's Honour and Safety, and for the inward Security of his People against their Fears of Danger to his Majesty's Person, and their outward Quietness against Danger to themselves, to command such Forces of his willing Subjects to go in that Expedition, as, by God's Help and Assistance, may be more than sufficient to crush that Rebellion, and to reduce the whole Kingdom to his Majesty's Obedience? But, concerning this, they wish and hope that his Majesty may be pleased to hear and consider the Advice and Council of his Parliament of *England*, as being most nearly concerned in the Matters of *Ireland*; altho' none be more so in their Interest in his Majesty's Royal Person.

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In the End, they do humbly intreat, That all Means may be forborne which may make the Breach wider and the Wound deeper; and that no Place be given to the evil Spirit of Division, which at such Times worketh incessantly and resteth not: But that the fairest, the most Christian, and compendious Way may be taken, by so wise a King and Parliament, as may, against all Malice and Opposition, make his Majesty and Posterity more glorious, and his Kingdoms more happy than ever: For this blessed and earnestly wish'd-for

Con-

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Conclusion, according to their manifold Obligations and Duty, they offer their best Endeavours; and, for the present, have sent up the Earl of *Lou-*
don, Chancellor of the Kingdom, who will give a
 more full Declaration of their Mind and Desires.

ARCH. PRIMROSE, *Clerk of the Council.*

May 9. The House of Lords were inform'd that their Orders were treated at *York* with Contempt; and this Day two of their Messengers, sent to bring up some Persons as Delinquents, appearing before them, made Oath that they received the following Paper from Secretary *Nicholas* :

The King forbids all Persons in *Yorkshire*, to obey any Summons of Parliament :

I Have, according to your Desires, acquainted his Majesty with the three Orders you shew'd me from the Parliament, for summoning some of his Majesty's Servants, and others of this County, to attend the Parliament; to which he has commanded me to give you this Answer :

'That he will not give Way that any of his Servants, or others of this County, shall go out of this Shire, untill he shall have Justice done him by the Parliament against Sir *John Hotbam*, for the Affront and Indignity offered to his Majesty at *Hull*.'

Their Order thereupon.

The first Thing the Lords did after reading this Paper, was to send an Order to the High Sheriff of the County of *York*, to bring, or cause to be brought, before them, the Bodies of Sir *Thomas Darrel* and Sir *John Hales*; and that their Committee, residing in *York*, should see this Order put in Execution. Next, the Lords conceiving this Business to be a great Breach and Contempt of the Power of Parliament; and in regard the said Persons were sent for at the Desire of the House of Commons; a Committee of both Houses was appointed to consider of the aforesaid Paper, and what was proper to be done upon it.

May 10. The Lord-Keeper reported the Effect of a Conference, held Yesterday, between the two Houses,

Houses, which consisted of divers Heads, presented by the Commons; the first of which was Matter of Religion, which, as the Anchor of Christians, and the Stay of Faith, they were very tender of.

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1st, ' The House of Commons observed, That the Papists had been very active since the Ordinance of Parliament for disarming them; and they were informed that the Magazine at *Monmouth* was as much under the Command of the Earl of *Worcester*, as if it was in his own Castle of *Ragland*; therefore they have ordered the Magazine to be removed to *Newport*; to which they desired the Lords Concurrence, because of the great Resort of Papists who live near *Monmouth* and *Ragland*, and of the Activeness of the Earl of *Worcester* and his Son.

Propositions of
the Commons
against Popish
Recusants,

2^{dly}, ' They desired that the said Earl, and all other Recusants in those Parts, might be forthwith disarmed, and their Arms and Ammunition sent to *Newport*; and an Order sent down to the Sheriff and Justices of the County of *Monmouth* for that Purpose.

' The *third* Head was on the great Resort and Confluence of People that go to Mass at Ambassadors Houses; which ought not to be suffered, because there was a Petition from both Houses, presented to the King, touching this Matter, 21 *Jac.* and again 1 *Car.* which were consented to; and those Answers amount to the Form and Value of a Law. That there was a positive Law, also, against this, by Act of Parliament, by which none are to go to Mass upon Pain of 100*l.* That there was no such Liberty to the King's Subjects of our Religion, neither in *Spain*, *Italy*, *Germany*, nor *France*; and we should be as careful of our Religion, as they of their Idolatries.

' Ambassadors are public Ministers, and have great Privileges, *Jure Gentium*; but if they swerve from the due Execution of them, and break the Laws of the Land, they are not to be suffered therein. That the Commons lately gave a Warrant to apprehend such of the King's Subjects as

went

* In our Sixth Volume.

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went to Mafs at Ambassadors Houfes; and one being apprehended as he went to the *Portugal* Ambassador's Houfe, fixty Yards from it, a Tumult arofe, and the Party was refcued out of the Hands of the Officers, by the Ambassador's Men and others, Swords being drawn; and the Ambassador, out of his Balcony, crying, *Kill them, kill them.* This the Commons hold to be an Affront of a very high Nature; and do think fit that their Houfe be vindicated for this Affront; which they leave to their Lordships speedy Consideration.

'The fourth Head was againft one *Chaloner*, an *Englifhman*, and Agent and Consul for the *Englifh* Merchants at *Lifbon*, a Papift, for tampering with and perverting his Majesty's Subjects from the Proteftant Religion; and his Wife being alfo a Papift, corrupts many Wives and Children. They therefore defire he may be recalled.

5thly, 'Againft Priests and Jefuits, the King's native Subjects, being protected under the Title of Chaplains and menial Servants. That the Commons were informed the *Spanifh* Ambassador is induftrious in advancing Religion this Way; and hath thirty or forty Priests, who go in Lay Habits, and attend on him as menial Servants, yet go abroad and pervert and corrupt the King's Subjects from their Religion. Priests and Jefuits, they faid, were Locusts and Vermin; who have done fo much Mifchief in *Ireland*, and may do the like here, in *Englad*, if not prevented; for their Opinions are, *Juramentum Fidelitatis proprio fuo Principi, datum Auctoritate Principis five Præsidis, Romani Pontificis Auctoritate poffe diffolvi.*'

Most of which
the Lords agree
to.

The Lords, taking thefe Matters into Consideration, agreed with the Houfe of Commons in all thefe Propositions, except in the *Portugal* Ambassador's Affair, which is not mentioned.

Absent Peers ordered to attend.

May 11. Nothing done this Day in the Houfe of Lords, material, except ordering, That the Earls of *Carliffe* and *Newport*, with the Lords *Willoughby*

loughby of Eresby, Rich, Savile, and Spencer, who An. 18. Car. I.
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were then with the King, should be sent for to attend the Service of the House. The Commons, also, sent up Impeachments against Sir George Strode and Richard Spencer, Esq; concerned in the Affair of the *Kentish* Petition. May.

May 12. The House of Lords and Commons received Letters from their Committee at *York*, both to the same Purport, which were read by the former in these Words : †

York, May 10, 1642.

WE came hither, to York, upon Sunday last, and A Letter to the
Parliament from
their Committee
at York.
then understood that his Majesty had commanded the Gentry of this County to wait upon him on Thursday next. Yesterday, being Monday, we were admitted to the King's Presence, where we delivered your Declaration; and this Afternoon he sent for us, and gave us this Answer inclosed, giving us a strict Command to carry it up ourselves to Parliament. We told him, That we were commanded to stay here and attend upon him, and use our best Endeavours in keeping the Peace of the Country. He replied, That if we would positively disobey him, and stay here, he would advise us not to make any Party, or hinder his Service in the Country, for, if we did, he would clap us up. We humbly answered, That our Denying to go at this Time was no personal Disobedience in us to his Majesty, but that we were engaged in our Duty to the Parliament, and in our Honour; having undertaken to observe those Instructions we had received, and were tending only to his Honour and the Peace of the Kingdom; but not to make nor nourish any Party; nor could we be commanded from staying here to execute them, without a great Breach of the Privilege of Parliament. Upon this our humble Excuse, that we could not depart thence, his Majesty enjoined us to attend his Person on Thursday, to hear what he should say to the Gentlemen that were summoned to appear.

After

† In the Lords Journals only.

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After divers other Passages he commanded us to shew him our Instructions, and, withdrawing into a private Room from the great Company that was there present, he heard them read, took one of our Copies, and so dismissed us. Thus far we thought good to give you an Account of our Employment; which, how full soever it may be of Difficulties, yet shall we not be discouraged to do any Thing, that, according to the Trust reposed in us, shall conduce to the Quiet and Peace of the Kingdom, and the Honour of the Parliament. In which Hope we rest

Your faithful Friends and Servants,

FER. FAIRFAX.

HU. CHOLMLEY.

PHIL. STAPYLTON.

HEN. CHOLMLEY.

Then was read the King's Answer to the Parliament's Declaration concerning *Hull*, which came along with this Letter. It was as follows:

The King's Reply to the Parliament's Answer concerning Sir John Hotham, &c.

HIS Majesty was in good Hope that the Reason why you, so long, deferred your Answer to his Messages concerning *Hull*, was, That you might the better give him Satisfaction therein; which now adds the more to his Astonishment, finding this Answer, after so long Advise-ment, to be of that Nature which cannot but rather increase than diminish the present Distractions, if constantly adhered unto by the Parliament. Was it not too much, that his Majesty's Town of *Hull* had a Garrison put into it, to the great Charge of the Country and Inconvenience to the poor Inhabitants, without his Majesty's Consent and Approbation, under Colour, at that Time, of foreign Invasion, and Apprehensions of the Popish Party; but now the Reasons thereof must be enlarged with a Scandal to his Majesty and his faithful Servants, only to bring in the more specious Pretence for the Avowing of Sir John Hotham's treasonable Insolency?

His Majesty hath often heard of the great Trust that, by God and Man's Laws, is committed to the King,

King, for the Defence and Safety of his People; but, An. 1^o. Car. I.
as yet, hath never understood what Trust or Power is
committed to either or both Houses of Parliament,
without the King, they being summoned to counsel.
and advise the King; and by what Law, or Authority,
they possess themselves of his Majesty's proper Right
and Inheritance, he is confident, that as they have
not, so they cannot shew.

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His Majesty, hitherto, hath not given the least Interruption to public Justice; but you, rather than suffer one of your Members to come so much as to a legal Trial for the highest Crime, will make Use of an Order of Parliament to countenance Treason, by declaring him free from that Guilt which all former Ages never accounted other; and that without so much as inquiring the Opinion of the Judges; for his Majesty is confident that you would have mentioned their Opinion, if you had ask'd the same.

Therefore his Majesty expects that, upon further and better Consideration of the great and necessary Consequence of the Business of Hull, and seriously weighing how much this doth concern the Peace and Quiet of the Kingdom, you will, without further Instance from his Majesty, give him full and speedy Justice against Sir John Hotham; and he leaves all his good People to think what Hope of Justice there is left for him, when you shall refuse or delay to give your own Sovereign Satisfaction: And, as his Majesty hath already said, 'Till this be done he will intend no Business whatsoever, other than that of Ireland.

And his Majesty likewise expects that, in the Way you have express'd in this your Answer, you will not put the Militia in Execution, untill you can shew him by what Law you have Authority to do the same without his Consent; or if you do, he is confident that he shall find much more Obedience, according to Law, than you against Law; and his Majesty shall esteem all those that shall obey you therein, to be Disturbers of the Peace of the Kingdom, and, in due Time, call them legally to a strict Account for the same.

As for Ireland, his Majesty refers you to his former Answer.

And

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And, lastly, concerning his Return, he never heard that the slandering of a King's Government and his faithful Servants, the refusing of him Justice in a Case of Treason, and the seeking to take away his undoubted and legal Authority, under the Pretence of putting the Kingdom into a Posture of Defence, were Arguments to induce a King to come near or hearken to his Parliament.

Both Houses resolve to support their Committee.

The Lords and Commons had another Conference on the Subject of the foregoing Letter and the King's Answer; the Result of which, as to the former, was, That both Houses resolved to maintain their Commissioners at *York*, in those Things they had done, and should further do, in Obedience to their Commands, for preserving the Peace of the Kingdom.

A Committee was also appointed to draw up a speedy Answer to the King's last Message.

Sir *George Strode* and Mr. *Spencer* were brought to the Lords Bar, where the Impeachment of the Commons were read to them; but both these Accusations are wanting in the *Journals*. The Loss of which is the less to be regretted, since they, most probably, differed very little from those, already given, against Sir *Edward Dering*.

May 13. Both Houses join'd in a Resolution to declare, That any Person whatsoever who shall arrest or imprison the Persons of those Lords and Gentlemen, or any of them, or any other Member of either House, that are, or shall be, employed in the Service of both Houses of Parliament; or shall offer Violence to them for doing of any Thing in pursuance of their Commands, or the Instructions of both Houses given unto them, shall be held Disturbers of the Proceedings of Parliament, and public Enemies of the State; and that all Persons are bound, by the Protestation, to endeavour to bring them to condign Punishment: That a Letter of Thanks

Thanks be sent to the Committee at *York*, and a Copy of these Votes with it.

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May 14. This Day a Bill, intituled, *An Act to restrain Peers, hereafter made, from sitting or voting in Parliament*, was read a third Time in the House of Lords, and passed; the Earls of *Monmouth, Bristol, and Dover*, with the Lords *Mowbray, Howard of Charlton, and Capell*, only, dissenting.

Bill passed for limiting the Peerage.

The Commons having received Letters from the Earl of *Ormond* and Sir *John Temple*, dated the fifth of *May*, containing a further Relation of the Success of his Majesty's Forces in *Ireland*; and another of the ninth from the Lords Justices, with an Account of a great Victory obtained over the Rebels there by Sir *Charles Coote*, wherein he lost his Life by an unfortunate Shot from one of his own Men: They ordered these Letters to be printed, and also resolved to move the Lords to join with them, in beseeching his Majesty to bestow the Lands of *Florence Fitzpatrick*, a Rebel, upon Sir *Charles Coote's* Children, according to the Desires of the Lords Justices.—This was agreed to by the Lords.

Further Success against the Irish Rebels.

May 16. The Lord Privy-Seal, ² being this Day appointed Speaker of the House of Lords, in the Absence of the Lord-Keeper, deliver'd a Letter from the King, in which was a Message inclosed. The Parliament had passed and sent to his Majesty a Bill, *For levying 10,000 Men for the Service of Ireland*; to which he returned this Answer:

York, May 13, 1642.

THAT he had ever shewed himself so ready to do any Thing that might conduce to the Suppression of the barbarous Rebellion in *Ireland*, that he doubts not but all the World is very well satisfied of his true Zeal therein: Therefore he doth not conceive why the Parliament should propose a new Way of levying Men for that

The King's Reasons against the Bill of Levies for *Ireland*.

² Earl of Manchester.

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I. that Service; especially since his Majesty hath been so far from refusing any Levies, that he hath offered, formerly, to levy 10,000 Men, Volunteers, in case the Parliament would promise to pay them; which, at that Time, if not refused, at least, was not accepted. Besides, you may well remember, that when his Majesty declared to raise 2000 Foot and 200 Horse, for his own Guard, upon his Intention of going into Ireland, the Answer to that was, That it was too great an Addition of Charge to the Country, they having already undertaken the Pay of so many Men; and therefore his Majesty cannot but wonder, what Means they can now find to pay 10,000 Men, when, but a little while ago, they thought 2000 too much. But, seeing it is for so necessary a Work, his Majesty will not examine the Reason of this sudden Alteration of Opinion, being glad that Means will be so easily found for so great a Supply, as this for 10,000 Men will be; only he cannot give Way that the Manner of levying them should be altered: Therefore he offers to levy the above-named Number, in the old accustomed Way, under such Commanders as his Parliament shall have no Cause to disapprove of; but he holds it very inconvenient to sign the Bill sent unto him by Way of an Instruction, not knowing the many Inconveniences that, upon passing thereof, may happen. His Majesty, likewise, takes Notice, that above half those Men, for which he hath already given Commission, are yet unlevied, or at least, not gone; so that if the Parliament like of the old Way of levying, which he can conceive no Reason why they should eschew, he undertakes there shall be no Time lost in the aforesaid Levies.

After reading this Message the Commons sent Sir William Lewis up to the Lords with a long Declaration, (which had been the Business of a Committee for several Days past) containing a Recapitulation of all the Errors and Miscarriages in Government, from the Dissolution of the last Parliament; to which were added many Letters, Examinations, Warrants, and Depositions; all which they had voted to be printed, and also published in all Parish Churches.

Churches. Sir *William Lewis* was directed to desire their Lordships Concurrence therein, and to give them Satisfaction, if desired, in these Particulars:

1. Whether the King hath ever given other Denial to any public Bill offered unto him by Parliament, than by suspending his Assent for a Time?
2. Whether a Petition, brought up by the Commons, and approved of by the Lords, hath ever been refused by the King?
3. Whether any Person hath ever been adjudg'd a Traitor, for executing the King's verbal Commands, against the Laws of the Land?

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The same Day the Commons appointed a Committee, consisting of Mr. *Selden*, Mr. *Glynne*, Sir *Symonds D'Ewes*, Mr. *Whitlocke*, Mr. *Bridgeman*, and others, to consider of the Form of the King's Oath, as it is upon Record, and in Books of good Authority, and of the Statute of 25: *Edward III.* concerning the same; next, to consider, whether Kings, in refusing Bills, in former Times, gave any other Answer than *Le Roy s'avisera*; and to consider what Persons have been proceeded against for High Treason, notwithstanding they had the King's Command; and to search Precedents, what Parliaments have done, heretofore, in like Case of the King's Absence from Parliament; and the Parliament's putting Forces in Places of Strength; to preserve them for the King and Parliament.

May 17. The Lord Privy-Seal, still sitting as Speaker in the Absence of the Lord-Keeper, acquainted the House, That a Letter was come from *York*, directed to the Lord-Keeper, or to the Speaker of the House of Lords for the Time being, which was commanded to be read.

This Letter is omitted in the *Journals*, and it is only said, That divers Papers were read: And, indeed, there are many Omissions of this Kind in them, about this Time; which we supply from the *Collections*, or *Diaries*, of these Times. The Letter and Papers, mentioned above, came from

An. 18. Car. I. the Committee at York; which were sent, alike,
 1642. to the Speakers of each House. That to the
 Commons was as follows:

May.

S I R,

York, May 13, 1642.

The Yorkshire
 Committee's
 Account of the
 King's Proposi-
 tions to the
 Gentry, &c. of
 that County.

*I*N our last Letter we gave you an Account of our first and second Waiting on the King. We wrote to you then, that his Majesty commanded us to attend him Yesterday, being Thursday, to hear what he said to the Gentlemen; which, a little before the Meeting, he seconded by a particular Message. Being come thither, his Majesty caused the several Messages between him and the Parliament, mentioned in this inclosed Paper, to be read.

This was done with much Humming and Applause of the King's Messages, by some Persons who had placed themselves near about where his Majesty stood: But when any Thing from the Parliament came to be read, with so much Hissing and Reviling of the Parliament, that tho', in Respect and Duty to the King's Person we could not resent it as otherwise we should have done; yet we have since expostulated, and complained of it to his Majesty. Some were so bold as to say openly, That the Parliament-Men should set their Houses in Order, for many of them should shortly have their Heads off; one of which (as since we are credibly informed) was one Hurst, a Servant to Mr. William Crofts.

In this, which was said by the King, you will see what Reason we had to vindicate ourselves; and therefore we immediately repaired to the Dean's House, with all the other Gentlemen, and there we took Notice of the rough Usage we had received: We told them, That it was neither Indiscretion nor Disobedience in us, (as his Majesty was pleased to call it) to deliver the Parliament's Message, or to stay here, tho' commanded to the contrary, since we conceived no Man needed to be satisfied in so clear a Case as this, That every Member of each House ought to obey their Commands, when they were pleased to employ them: But since his Majesty thought fit to bid them take heed of us, not knowing what Doctrine of Disobedience we might

might preach to them, under Colour of obeying the Parliament, we appealed to every Man, Whether we had, in Word or Deed, in Public or in Private, done any Thing that became not honest Men, and Persons employed from the Parliament: That we had communicated our Instructions to his Majesty, being that whereby we would avow all our Actions, and that we were confident it would not be said we had transgressed them*. This was very well taken and justified by the Country.

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Yesterday there came divers Thousands of Freeholders to this City, though none but the Gentry were summoned; but receiving a Command from the King not to come to Court, they forbore, and staid in the Castle-Yard; yet sent this Petition inclosed to his Majesty, and receiv'd the Answer annex'd thereunto.

There was likewise a Committee of twelve Gentlemen appointed, Yesternight, to consider of drawing up an Answer to the King's Proposition concerning a Guard: But nothing could be then done, because it was past Three o'Clock before the Gentlemen were admitted to the King.

This Morning the Freeholders assembled again in the Castle-Yard; there they made this Protestation inclosed, of their Right of Voting in what concerneth the Peace of the Country, as having their Interest therein.

When we all met this Morning again at the Dean's House, we, who are your Committees, received this Message by Sir Edward Stanhope, That he came from his Majesty to command us, that we should depart from this Meeting; and if we did stay, his Majesty would judge us guilty of what he spake of Yesterday, which was, Tampering. Notwithstanding which Command, we read the fourth Article of our Instructions to the whole Company, that being pertinent to the Business we were then upon; and desir'd them to consider, whether the Parliament had not expressed therein such a Care of the King's Safety, that there would be little Need of Guards. We told them, That we had a good Right of being there as

K k 2

Free-

* These are before given at p. 489.

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Freeholders of the County, but that, in Obedience to the King, we would depart for this Time; yet whenever there should be Occasion of our being there, in Pursuance of our Instructions from the Parliament, we should be ready. The whole Company received great Satisfaction, and desired a Copy of that Instruction, which we gave them.

We were the more willing, at that Time, to go from thence, because we should not only give Obedience to the King's Command, which otherwise he would have said we constantly disobeyed; but because the Committee of Twelve, appointed Yesternight, were then to withdraw; so that there was nothing for the present for us to do: We immediately went to the King, and besought him, That since we were continually so discountenanced by him, in the Face of our County, he would be pleased to let us know in particular wherein we had given the Occasion; for we otherwise conceived we were deprived of that Liberty, which was our Due, in respect of that Interest we had here. His Majesty was pleased to tell us, That if we would lay aside that Condition of Committees from the Parliament, he would not hinder us to be there as Gentlemen of the County. We humbly replied, That we could not lay that down, nor could we be absent from any Meeting, where our Presence was required for the Service, as Committees from the Parliament. To which his Majesty said, That indeed he thought we could not lay it down, neither was it reasonable that we should have Votes, and be in a double Capacity. The Committee hath been together most Part of this Day; but not agreeing, six of them have drawn up this Answer inclosed, which they have communicated to the Gentlemen and Freeholders; the greater Part of the Gentlemen, and all the Freeholders, have agreed to, and subscribed it. The other six have concluded upon this other Answer, consenting to a Guard of Horse; but to this we do not hear they have gotten many Names, nor can we get a Copy of those Names as yet, though these be very few; yet whether they can bring in any Horse

or

or no, we cannot yet judge. The King hath received An. 18. Car. I.
both these Resolutions, which, with his Answers to
them, you likewise have here inclosed: And first

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His MAJESTY'S SPEECH.

GENTLEMEN,

I Have Cause of adding to, not altering, what I
meant to say. When I gave out the Summons
for this Day's Appearance, I little thought of
these Messengers, or of such a Message as they
brought; the which, because it confirms me in
what I intend to speak, and that I desire you
should be truly informed of all Passages between
me and the Parliament, you shall hear read, first,
my Answer to the Declaration of both Houses
concerning *Hull*; the Answer of the Parliament
to my two Messages concerning *Hull*, together
with my Reply to the same; and my Message to
both Houses, declaring the Reasons why I re-
fused to pass the Bill concerning the Militia.

All which being read, his Majesty proceeded:

I will make no Paraphrases upon what ye have
heard, it more befitting a Lawyer than a King,
only this Observation, That since Treason is
countenanced so near me, it is Time to look to
my Safety: I avow that it was Part of my Won-
der, That Men (whom I thought, heretofore,
discreet and moderate) should have undertaken
this Employment; and that since they came, I
having deliver'd them the Answer you have heard,
and commanded them to return personally with
it to the Parliament, they should have flatly dis-
obeyed me, upon Pretence of the Parliament's
Command. My End in telling you this, is to
warn you of them; for since these Men have
brought me such a Message, and disobey'd so law-
ful a Command, I will not say what their Intent
of staying here is; only I bid you take heed, not
knowing what Doctrine of Disobedience they
may preach to you, under Colour of obeying the
Parliament,

K k 3

Hither.

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‘ Hitherto I have found and kept you quiet, the
‘ enjoying of which was a chief Cause of my
‘ coming hither. Tumults and Disorders made me
‘ leave the South, and not to make this the Seat
‘ of a War, as Malice would (but I hope in vain)
‘ make you believe: Now, if Disturbances do
‘ come, I know whom I have Reason to suspect.

‘ To be short; you see that my Magazine is go-
‘ ing to be taken away from me (being my own
‘ proper Goods) directly against my Will: The
‘ Ordinance for the Militia (against Law and my
‘ Consent) is going to be put in Execution: And,
‘ lastly, Sir *John Hotham*’s Treason is countenan-
‘ ced: All this considered, none can blame me to
‘ apprehend Dangers; therefore I have thought fit
‘ (upon these real Grounds) to tell you, That I
‘ am resolved to have a Guard (the Parliament ha-
‘ ving had one all this while upon imaginary Je-
‘ lousies) only to secure my Person; in which I
‘ desire your Concurrence and Assistance; and that
‘ I may be able to protect you, the Laws, and the
‘ true Protestant Profession, from any Affront or
‘ Injury that may be offered; which I mean to
‘ maintain myself, without Charge to the Coun-
‘ try; intending no longer to keep them on foot,
‘ than I shall be secured of my just Apprehensions,
‘ by having Satisfaction in the Particulars before-
‘ mentioned.’

*The ANSWER of several of the Yorkshire GENTRY,
to the KING’s PROPOSITION for a Guard,*

To the KING’s Most Excellent MAJESTY.

‘ **W**E Knights and Gentlemen, whose Names
‘ are subscribed, do unanimously present
‘ this our Answer to your Majesty’s Proposition con-
‘ cerning the raising of a Guard of Horse, for the
‘ Security and Defence of your Sacred Person: That
‘ to this Proposition, as we conceive ourselves bound
‘ by our Allegiance, we do willingly concur. For
‘ that Purpose humbly desiring, That the aforesaid
‘ Guard may be raised by legal Authority; and like-
‘ wise

‘wise that it may consist of Persons unquestionable An. 18. Car. I.
‘in their Religion, and Gentlemen.’ 1642.

*The Substance of his Majesty's REPLY, sent by Mr.
Secretary NICHOLAS :*

May.

‘His Majesty gave them Thanks, for it ap-
‘peared as a satisfactory Answer ; and in it they
‘had shewed great Circumspection and Wisdom,
‘by chusing such whose Loyalty could not be que-
‘stioned, by excluding Recusants and all suspected
‘to be disaffected.’

*The ANSWER of those GENTLEMEN and FREE-
HOLDERS, who subscribed the same at the Dean's
House, where the Sheriff was :*

May it please your Most Sacred Majesty,

‘**T**HE Propositions, delivered to us Yesterday
‘from your Majesty, are of so high Concern-
‘ment to the Weal and Peace of the whole King-
‘dom, and do so nearly touch upon the Affection
‘and Fidelity of all your Subjects in general, as we,
‘being but a Part of one County only, do not con-
‘ceive it is safe for us to advise therein ; but rather
‘humbly to beseech your Majesty to impart the
‘Grounds of your Majesty's Fears and Jealousies
‘to your High Court of Parliament, of whose
‘most loyal Care and Affection to your Majesty's
‘Honour and Safety, and the Prosperity of your
‘Subjects and Dominions, we are most confident ;
‘and whatsoever shall be advised by your Great
‘Council, therein we shall most willingly embrace,
‘and give our Concurrence and Assistance to it as
‘shall become us, in whose Fidelity and Affection
‘your Majesty hath often declared especial Trust ;
‘and albeit we do not presume to advise your Ma-
‘jesty in that Particular, being of transcendent Con-
‘sequence ; nevertheless, in the Behalf of those
‘Members of Parliament lately employed to attend
‘your Majesty from both Houses, being all of them
‘Gentlemen of Quality and Estate in this County,
‘and trusted to serve in that most Honourable As-
‘sembly

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‘sembly, we humbly crave your Majesty’s Leave to
 ‘express our Confidence in their unstained Loyalty
 ‘and Affection to your Majesty to be such, as your
 ‘Majesty may securely admit their Attendance to
 ‘negotiate their Employments, till they be recalled
 ‘by the Parliament : And for their Fidelity, we all
 ‘engage ourselves to your Majesty ; and we are
 ‘most assured that your Royal Person shall be se-
 ‘cure in the general Fidelity of your Subjects of this
 ‘County, without any extraordinary Guard.’

The NAMES of those GENTLEMEN as taken
 down by the SHERIFF.

Sir <i>Thomas Fairfax,</i>	<i>Richard Trewman,</i>
Sir <i>William Constable,</i>	<i>Sackvill Pope,</i>
Sir <i>Matthew Boynton,</i>	<i>Thomas Heblethwaite,</i>
Sir <i>Thomas Gower,</i>	<i>George Eure,</i>
Sir <i>William St. Quintin,</i>	<i>George Marwood,</i>
Sir <i>Edward Rhodes,</i>	<i>John Savile, of Medley,</i>
Sir <i>William Crawley,</i>	<i>John Saltmarsh,</i>
Sir <i>Thomas Norcliffe,</i>	<i>William Copley,</i>
Sir <i>Arthur Ingram,</i>	<i>Lionel Copley,</i>
Sir <i>Richard Darley,</i>	<i>Edward Gower,</i>
Sir <i>Jervas Cutler,</i>	<i>Cuthbert Creike,</i>
Sir <i>William Fairfax,</i>	<i>William Cobb,</i>
Sir <i>Hugh Bethell,</i>	<i>Doyley Gower,</i>
Sir <i>John Saville,</i>	<i>Thomas Rookebie,</i>
Sir <i>William Lyster,</i>	<i>John Calverley,</i>
Sir <i>Thomas Remington,</i>	<i>Francis Grimston,</i>
<i>Thomas Jopson,</i>	<i>John Anlabie,</i>
<i>Henry St. Quintin,</i>	<i>Arthur Beckwith,</i>
<i>Arthur Noell,</i>	<i>Christopher Waters,</i>
<i>Tobias Jenkins,</i>	<i>Matthew Beckwith,</i>
<i>Henry Jenkins,</i>	<i>Christopher Copley,</i>
<i>John Farrer,</i>	<i>Thomas Croft,</i>
<i>John West,</i>	<i>William Parker,</i>
<i>Henry Atkinson,</i>	<i>George Trotter,</i>
<i>Henry Wythes,</i>	<i>Henry Westby,</i>
<i>William Bethell,</i>	<i>William Jennings,</i>
<i>George Mountain,</i>	<i>Thomas Bradford,</i>
<i>Thomas Stockdale,</i>	<i>Richard Wildbore,</i>
<i>William Gower,</i>	<i>Job Hackwood,</i>

Mat-

Of ENGLAND. 321

*Matthew Allured,
Robert Sheppard,
John Acklam,
John Stillington,
Jervas Hammond,
John Cholmley,
Thomas Newarke,
Henry Savile,
John Lambert,
Francis Grimston,*

*Stephen St. Quintin,
Willoughby Godfrey,
Lancelot Allured,
John Beverley,
Griffith Boynton,
George Westby,
Benjamin Browne,
Charles Fairfax,
Henry Arthington,
Henry Tempest.*

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*These were the Names subscribed in one Sheet,
there being many other Sheets filed together, all of
them subscribed, and amongst them many Gentlemen
of Note; but we took Notes only of the first Sheet,
having no more Time,*

His Majesty's ANSWER returned by the Sheriff.

‘ His Majesty expects the like Affection from
you that he doth from the other Gentlemen, and
he hath the same Confidence in you that he hath
in the others.’

To the KING's Most Excellent Majesty.

*The HUMBLE PETITION of many Thousands of
your Majesty's peaceably-affected SUBJECTS of the
County of York,*

Sheweth,

‘ **T**HAT many of your Petitioners being, in
their late Desires of petitioning your Ma-
jesty, denied Access, kept back with Violence, and
receiving great Affronts from some that have De-
pendency on your Majesty, and others there as-
sembled; yet no Provocation could remove them
from their Patience and Duty.

‘ These Proceedings are taken more to Heart,
your Petitioners conceiving it undeniable that they
have an Interest in the Commonwealth, and are
as dutiful and loyal Subjects to your Majesty as any
whom-

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‘ whomsoever; though divers of them have been
 ‘ since uncivilly pressed by some, in your Majesty’s
 ‘ Name, to subscribe a Paper, styled, *The Answer to*
 ‘ *your Majesty’s Propositions*, and threatened thereto
 ‘ (upon which Blows followed); and that, when
 ‘ your Majesty’s Army should be on foot, those
 ‘ should be first pillaged that refused such Subscrip-
 ‘ tion; which we humbly conceive is positively
 ‘ contrary to your Majesty’s own Expressions, and
 ‘ is to the high Dishonour of your Majesty, and
 ‘ the great Affrightment and Disturbance of your
 ‘ Majesty’s liege People.

‘ Therefore your Petitioners, having too just
 ‘ Cause to fear your Majesty’s Royal Heart is still
 ‘ in Danger to be possessed with some Distaste of
 ‘ your Petitioners, humbly supplicate your Majesty
 ‘ to conceive better Things of them, and to cast
 ‘ your Eye upon the present State of this your King-
 ‘ dom; that, as your Majesty hath often declared
 ‘ your Affection to this County, so your Love
 ‘ might now be expressed in preserving the Peace
 ‘ thereof; and that your Majesty, would admit of
 ‘ a right Information of the clear Intentions of your
 ‘ Petitioners, who are confident that none so abso-
 ‘ lute and hearty Observance to your Majesty’s just
 ‘ Commands can be demonstrated, as what your
 ‘ Majesty in Parliament shall declare; which, if it
 ‘ be divided, (as God forbid) our Hearts even trem-
 ‘ ble to consider the Diminution of the Honour and
 ‘ Safety of your Majesty’s Posterity, and the Dan-
 ‘ gers the Kingdom will unavoidably be put upon;
 ‘ since it is clear to every Understanding, that it is
 ‘ not a divided Part of one, or several Counties,
 ‘ that can afford that Honour and Safety to your
 ‘ Majesty as the whole Kingdom, which you may
 ‘ command; no Ground or Fear of Danger remain-
 ‘ ing if a good Confidence were begot betwixt your
 ‘ Majesty and the Parliament, whose grave and
 ‘ loyal Counsels are, as we humbly conceive, the
 ‘ visible Way, under God, to put a speedy End to
 ‘ the Troubles of *Ireland*, and establish your Throne
 ‘ in Righteousness.

‘ And

‘ And, *lastly*, your Petitioners do humbly suppli-
 cate, that we may represent our Unfitness to be-
 come Judges betwixt your Majesty and the Parlia-
 ment in any Thing, or dispute the Authority of
 either, which they humbly conceive do fortify each
 other; it being most unfit for them to act any
 Thing therein but by their Prayers for a right Un-
 derstanding betwixt your Majesty and them, which
 we shall heartily do; as also for your Majesty’s
 long and prosperous Reign; and, as we are bound
 by our late Protestation, shall be ready to main-
 tain your Majesty’s just Rights, the Privileges
 and Power of Parliament, and the lawful Liber-
 ties of the Subject.’

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*The KING’s ANSWER to the foregoing PETITION of
 the Country, by Mr. Secretary NICHOLAS.*

‘ HIS Majesty having, with some Care, con-
 sidered this Petition, being the first of this
 Nature that hath been presented to him, wherein
 any appearing well affected to his Service (tho’
 he hath heard of many to the contrary) have mis-
 demean’d themselves, hath commanded me to
 give you this Answer :

‘ That he doth, totally, disavow the Proceedings
 complain’d of in the Petition; and expects that
 you, and all others his loyal Subjects, shall rest
 satisfied with his several gracious Declarations,
 and constant peaceable Practice towards his
 People; and for further Assurance, upon just Proof
 made against any Man who hath committed any
 Violence in Words or Actions, without just Pro-
 vocation, full Reparation shall be given to the
 Parties injured.

‘ As for the other Part of this Petition, his Ma-
 jesty saith, That it is so confused he does not well
 know what positive Answer to give to it; and the
 rather because it is grounded upon Misinformation
 both of his Majesty’s Proceedings and Intentions;
 as, in particular, his Majesty saith, He never in-
 tended

An. 18. Car. 1.st tended to have you to be Judges betwixt him and
1642. his Parliament.

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‘ For the rest of this Petition he refers to his Mes-
sages, Declarations, and Answers; whereby it will
‘ clearly appear, That his Desire and Intention is,
‘ only, the Preserving of the true Protestant Profes-
‘ sion, the Laws of the Land, the Liberty of his
‘ People, the Peace of the Kingdom in general,
‘ and the Peace of this County in particular.’

*The PROTESTATION of the FREEHOLDERS of
Yorkshire.*

‘ **W** Hereas his Majesty was pleased to give
‘ Summons to the Gentry of this County
‘ to attend him at his Court at *York*, the 12th of
‘ *May* Instant, to advise with him in some Parti-
‘ culars, concerning the Honour and Safety of his
‘ Majesty’s Person, and the Well-being and Peace
‘ of this our County; and in the said Summons
‘ was pleased to omit the Freeholders of this
‘ County, out of a tender Respect of putting them
‘ to any extraordinary Charge; yet we, conscious
‘ of our sincere Loyalty to his Majesty our gra-
‘ cious Sovereign, and conceiving ourselves, ac-
‘ cording to the Proportions of our Estates, equally
‘ interested in the common Good of the County,
‘ did take the Boldness to come in Person to *York*,
‘ and were ready to attend his Majesty’s Pleasure
‘ there :

‘ And whereas his Majesty being pleased then to
‘ propound several Things to the Purpose aforesaid,
‘ at the Meeting of the County, to consider a fit
‘ Answer to return to his Majesty thereupon, the
‘ Doors of the Meeting-house were shut against us,
‘ and we utterly excluded; and, in our Absence,
‘ a Referree of Knights and Gentlemen chosen,
‘ without our Knowledge or Consent, to draw up
‘ the said Answer: We the Freeholders who peti-
‘ tion’d his Majesty the Day abovesaid, conceiving
‘ ourselves abundantly injured in the Election of the
‘ said Referree, not knowing any Warrant, by
‘ Writ, or otherwise, for the same; and that we
‘ ought

ought not, however, to be concluded by any Resolution of theirs without our Assent in their Election, do, absolutely, protest and declare against the said Election; and, as far as concerns us, disavow whatsoever shall be the Result of their Consultation thereupon; and do desire a new and fair Election of a Referree may be made, we admitted to our free Votes in the same, and some one or more, to be nominated by us, allowed to deliver our Sense for us at another Meeting: And that we shall not make good, in the least respect, any Thing whatsoever which shall otherwise be concluded upon.'

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Sir, His Majesty had declared, himself, Yesterday, that he would raise that Regiment which was Sir Robert Strickland's, for his Foot-Guard; but he hath now laid aside that Resolution. The Freeholders of the County are, now newly, summoned to attend his Majesty about a Week hence, the three Ridings upon three several Days; but for what Service we know not.

You have here a large Narrative of the Passages at this Meeting. What Dangers this poor Country lies under, we humbly refer to you to judge, not taking upon us to deliver any Opinion.

The Business lasted so long, that it hindered us from giving a more speedy Account. Sir, this is what, at this Time, is sent from

Your assured Friends and Servants,

FER. FAIRFAX.
HU. CHOLMLEY.
PHIL. STAPYLTON.
HEN. CHOLMLEY.

May 17. A Conference was held this Day, in A Conference relation to the foregoing Affairs; the Report of thereupon. which was, That the Commons desired to keep a good Correspondency between both Houses, to prevent the Mischiefs that were else likely to ensue. They likewise observed with what Care, Wisdom, and Diligence, the Committee do proceed

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ceed; and desired that Notice might be taken of it, and Thanks return'd to them and the High Sheriff, also to those Gentry and Freeholders who, 'in all these Proceedings, have expressed their Affection and Loyalty to the King and Parliament, for their good Service herein. Ordered, That the Letter and Papers from *York* should be forthwith printed and published in one Book. ^u

It was this Day ordered, by the Lords and Commons in Parliament, That a former Order, of *May* the 5th, requiring the Sheriffs of *London* and *Mid-dlesex* to send down a complete Company of Trained-Bands, under the Command of Serjeant-Major *Skippon*, to attend both Houses, shall still continue.

The same Day the Lords were informed of a Rumour, That a Command was come for removing the next Term to *York*, which would be very prejudicial to the Kingdom; therefore they sent the Earl of *Essex* and the Lord *Kimbalton* to the Lord-Keeper, to know if he had heard any Thing of it.

After some other Business done, the two Lords returned from the Lord-Keeper, and said, That his Lordship confessed he had receiv'd a Letter from the King, the last Night, importing the Adjournment of the next Term to *York*, and to order a Proclamation and Writs out for that Purpose: That he was to advise with the Judges concerning the Manner of them; and, accordingly, he had acquainted them with it, but Nobody else; though nothing, as yet, was done in it.

The Lords, taking this Matter into Consideration, were of Opinion, That it was illegal to remove the Term, in regard of the late Act of Parliament for the Continuance of it: That it was contrary to the Practice, and inconsistent with the Sitting, of Parliament, and to the express Writs which call Assistants to that House. Then the Question was put, Whether the King's removing the

^u This was done accordingly: And from the Original Edition thereof (printed by *A. Norton*, for *John Frank*, in *Fleet-street*) the foregoing Letter and Papers are copied. Some of them are in *Hufbands* and *Rusworth*, but incorrect.

the Term to *York*, from *Westminster*, the Parliament sitting, was not illegal? It passed in the Affirmative. They further ordered, That the Lord-Keeper should not issue out any Writs, or seal any Proclamation to that Purpose. This Vote, &c. to be communicated to the Commons, at a Conference, and then to be forthwith printed and published.

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The intended Removal of the Term to *York* voted illegal.

At this Conference the Commons acquainted the Lords with another Letter from the King, directed to Captain *Philip Skippon*, Captain of the Military Garden, in *St. Martin's in the Fields, London*, commanding the said Captain's immediate personal Attendance on his Majesty at *York*, on Pain of his highest Displeasure. On which the Commons had passed the following Votes:

Resolved, upon the Question, 'That for his Majesty, at his Pleasure, to command any free-born Subject to attend his Person, not bound thereunto by special Service, is against the Law of the Land.'

Resolutions against the King's demanding the Attendance of any Subject.

Serjeant-Major-General *Skippon* was called in, and demanded, Whether he were the King's sworn Servant, or bound by any special Service to his Majesty? Who answered, That he was not his sworn Servant, nor bound by any special Service to his Majesty, that he knew of; nor ever had the Honour so much as to be admitted into his Presence.

Hereupon it was farther resolved,

1. 'That this Command of his Majesty, to call Captain *Philip Skippon*, Serjeant-Major-General of the Forces of *London*, to attend his Majesty's Person at *York*, is against the Law of the Land and the Liberty of the Subject.

2. 'That his Majesty's commanding Captain *Philip Skippon*, &c. to attend his Majesty's Person, being employed by both Houses to attend their Service, without their Consent, is against the Privilege of Parliament.

3. 'That Captain *Philip Skippon*, &c. shall continue to attend the Service of both Houses, according to their former Commands.'

An Order of the said House was also read, importing, That it be referred to the Committee of Lords

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Lords and Commons, appointed to consider of his Majesty's last Messages, to make a Remonstrance to him, and shew how much against Law, and the Liberty of the Subject, Commands of this Nature are; to represent to him the Interruption that they cause to the Proceedings of Parliament, and the Affairs of *Ireland*, with the Inconveniences that are like to ensue upon them; and to desire they may be forborne hereafter.

A Letter, directed to *Edward Lord Howard* and the Committee at *York*, was read, with a Declaration of Parliament; the Letter was to no other Purpose, than thanking them for their good Services, &c. and to order them to deliver the inclosed to the High Sheriff, and press the Execution of it there, as was intended to be done in the other Counties of *England*. The Declaration was in these Words:

Declaration of
both Houses
thereupon, and
against taking
Arms by his Ma-
jesty's Command

THE Lords and Commons in Parliament do declare, That it is against the Laws and Liberties of the Kingdom, that any of the Subjects thereof should be commanded by the King to attend him at his Pleasure, but such as are bound thereunto by special Service: And that whosoever, upon Pretence of his Majesty's Command, shall take Arms and gather together with others, in a warlike Manner, to the Terror of the King's People, shall be esteemed Disturbers of the Public Peace; and to do that which may introduce a Precedent of very dangerous Consequence for the future, and may produce most mischievous Effects for the present; considering the great Distempers of the Kingdom, and what pernicious Counsellors and Incendiaries are now about the King; and how desperate and ill-affected divers Persons, attending upon his Majesty, have shewed themselves to the Parliament and to his other good Subjects, threatening and reproaching them publicly, even in his Majesty's Presence.

For preventing and avoiding such great Mischiefs as may thereupon ensue,

It

‘ It is ordered and ordained by both Houses of Parliament, That if the Train’d-Bands, or any other his Majesty’s Subjects, shall, upon Pretence of any such Command, be drawn together and put into a Posture of War, the Sheriff of that County where there shall be such Raising or Drawing together of armed Men, do forthwith raise the Power of the County to suppress the same, and to keep his Majesty’s Peace according to Law. And that the Lord-Lieutenants, Deputy-Lieutenants, Justices of the Peace, and all other his Majesty’s Subjects, be aiding and assisting to the several and respective Sheriffs in Performance hereof, as they will answer the contrary at their Peril.’

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HEN. ELSING, *Cler. Parl. D. Com.*

May 18. The Lord-Admiral acquainted the Lords, That he had received a Letter from *Hull*, from some Captains, sent with their Ships there, by Order of Parliament, to bring away the Magazine, alledging, That they had received a Command from the King, dated at *York*, the tenth of *May*, upon their Allegiance, not to put on board any Part of that Magazine, &c. they therefore desired their Lordships to take some Course for their Indemnity in obeying the Commands of this House.

Then the Lord-Admiral’s Letter and the King’s Farther Orders Warrant for Stoppage were read; and a Conference for the Security of *Hull*. being held upon it, some more Hints were communicated by the Commons, concerning the Safety of *Hull*; as, That Sir *John Hotbam* complained he wanted a Committee, of Reputation, to assist him: That he found the Townsmen false: That he wanted Mills to grind Corn: And that the Committee sent thither, some Time since, were coming away. To remedy all which, the Commons had prepared the Form of a Letter to be sent down to *Hull*, with an Order; also they had appointed another Committee to go thither, and desired to know if their Lordships would appoint any of their House for that Purpose.

The Lords agreed to this in every Particular, and

An. 18. Car. 1. the Lord *Willoughby* of *Parham* was named as a
 1642. Commissioner from that House. The Letter to
 Sir *John Hotham*, with the Order of Parliament,
 May was then read as follows : ^k

S I R,

The Speaker's
 Letter to Sir
John Hotham
 thereupon.

‘ YOUR Letter of the 16th of *May* I receiv’d
 this Morning, and forthwith communicated
 it to the House ; who do very much approve your
 diligent and prudent Carriage in Discharge of the
 great Trust reposed in you, so much concerning
 the Peace and Safety of the whole Kingdom ;
 and thank you for the same. If the House had
 sooner known of the coming away of the Com-
 mittee, and of the great Necessity that some such
 Assistance should be there, they would sooner
 have provided to have had their Absence forth-
 with supplied by others ; for which Purpose they
 have now resolved of seven more of this House
 to be added to the former Committee, as you
 may perceive by the Order inclosed, whereof
 they intend that four shall always be resident
 with you there.

‘ According to your Desire, you receive an Or-
 der-of both Houses for the Encouragement and
 Indemnity of the Captains and Masters of the
 Ships, of whose Obedience thereunto we are as-
 sured, by their Profession in their own Letters to
 the Lord-Admiral, That what both Houses of
 Parliament shall order, they shall, with their ut-
 most Endeavours perform, for his Majesty’s Safe-
 ty and the Good of this State ; of which, being
 an Expression of so good Affection to the Service
 of the Parliament, this House takes especial No-
 tice ; and desires you to give them Thanks in
 their Name, as also to the Mariners, of whose
 Forwardness in this Service they are also inform’d.

‘ The House doth also require, That the Maga-
 zine, that is already shipped, may be sent with all
 convenient Speed, with perfect Inventories of
 what

^k A Copy of this Letter is entered in the *Lords Journals*, but
 not in those of the *Commons*.

‘ what is in every Ship ; and what you have kept An. 18. Car. I.
 ‘ behind, to remain there for the Defence of the 1642.
 ‘ Place, if there be Occasion ; two of the Ships of }
 ‘ War are designed for the Convoy of the Maga- May.
 ‘ zine ; the other two shall be appointed to attend
 ‘ in that Harbour, for the better Security of that
 ‘ Town, till there shall be further Order.

‘ We understand the Proceedings in *Yorkshire* ;
 ‘ and, tho’ there be some Disaffected, yet there ap-
 ‘ pears so great a Part of the County to be well
 ‘ disposed to the Peace of the Kingdom, that it is
 ‘ hoped they will so over-awe the other Party, as
 ‘ to keep them quiet.

‘ I send you inclosed a Copy of the Order of
 ‘ both Houses, which was Yesterday sent to the
 ‘ Committees at *York*, to be delivered to the She-
 ‘ riff ; who hath carried himself so worthily and
 ‘ faithfully, that there is no Doubt whatsoever of
 ‘ him. Mr. *Hildyard*’s Report is, That he will
 ‘ do his Duty in obeying the Authority and Direc-
 ‘ tions of Parliament, for preserving this Kingdom
 ‘ from the Miseries and Calamities of a Civil War ;
 ‘ which is earnestly endeavoured to be kindled by
 ‘ some evil Counsellors about the King, who can
 ‘ find no Way to escape the Punishment of their
 ‘ own Wickedness, but by the Confusion of the
 ‘ whole State.

‘ It is much wondered that there should be any
 ‘ in that Town so blind, as not to discern the Mis-
 ‘ chief intended to the Commonwealth, if *Hull* had
 ‘ not, by the Wisdom of the Parliament, been se-
 ‘ cured from the malignant Party ; or so disaffected-
 ‘ ed as not to concur in the Furtherance of that
 ‘ which is necessary for the Public Good, wherein
 ‘ the Safety of that Town and their own Interests
 ‘ are involved : But as their Perverseness will make
 ‘ you more watchful, so your Watchfulness will
 ‘ make them less hurtful ; and it is hop’d the Pro-
 ‘ ceedings in *Yorkshire* will, every Day, more open
 ‘ their Eyes to see the Dangers and Miseries like
 ‘ to overwhelm those Parts, if honest, well-affect-

An. 18. Car. I. ed People do not join with the Parliament to prevent the same.

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The House means to send away two of the Committee forthwith ; and when they have been more fully inform'd, by Sir *Christopher Wray*, of those Matters which you write they shall understand by him, it is resolved to send to you again. And I am commanded to tell you, that you may rest assured, as you have the Authority of Parliament, and the Strength of the greatest and best Part of the Kingdom ; so you shall have the Prayers of all that truly affect the Prosperity and Peace of this Church and State concurring with you, to which I add the good Respect and best Wishes of

Your most ready Friend,

and humble Servant,

W. LENTHALL.

The ORDER inclosed was as follows :

The Parliament's Indemnification of the Officers employed in removing the Magazine of Hull.

Whereas the Lords and Commons in Parliament thought fit and necessary, for the Safety of the King and Kingdom, that the Magazine of Arms and Ammunition, at Kingston upon Hull, should be removed from thence to the Tower of London, and did order the same accordingly ; and have appointed several Ships for the transporting and waisting thereof, which are ready at Hull for that Service : It is ordered, by both Houses of Parliament, That the said Magazine and Arms shall be forthwith removed, and brought away from Hull to the Tower of London ; and the Captains, Lieutenants, Masters, and other Officers and Companies of the said Ships are hereby required and enjoined forthwith to perform the same, notwithstanding any Command to them directed to the contrary. And for the Indemnity of Capt. William Driver, Capt. George Swanly, Capt. Laurence Moyers, Capt. John Pigot, and such other Captains, Lieutenants, Masters, Officers, Mariners, and all other Persons, which have done, or shall do, any Thing

Thing according to the said Ordinance of both Houses of Parliament, or in Execution thereof, touching the removing, shipping or transporting the said Magazine, or any Part thereof, from Hull to the Tower of London as aforesaid: It is declared and ordered by both Houses of Parliament, That they, and every of them, shall have the Assistance of both the said Houses against any Inconveniency which may happen to them, or any of them, by or for obeying the said Commands in this so necessary and important Service.

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May 19. The Lords having agreed to the Commons Declaration of the 16th of this Month, Orders were given by both Houses for the printing and publishing thereof.

The same Day the Earl of Holland acquainted the Lords, that he had received a Letter from the Lord Savile, at York, which was read as followeth:

My Lord,

York, May 14, 1642.

Y^Esterday there came hither a mean base Fellow, with an Order, Process, or Warrant, for I know not what to call it, to attach divers of the Peers and some others, and amongst the rest myself, for coming away without Leave, as I imagine, for I know no other Guilt that I can pretend to; tho' there was no Cause, so much as in general, express'd in the Warrant, according as, by the Law of the Land and Petition of Right, is required. When he delivered me his Warrant I was going with your Brother Newport to Galtres Park, to take the Air; and, at my Return, found the Messenger committed for some Offence, which, it seems they did lay to his Charge; and the King, calling all the Company about him, charged me, upon my Allegiance, not to depart the Town without his Consent. I saw great Joy in many to see me, herein, so used in the Face of my Country; to be arrested by such a Fellow, for a Crime so small, as for the Safety of my Life, after so long an Attendance, to go to my own House; and at a Time when all cursed me for

Lord Savile's
Letter upon refusing to attend
the Parliament.

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‘ the good Offices I did contrary to their Designs ;
 ‘ as I shall report to your Commissioners here, who
 ‘ know much of my Ways. So, my Lord, I am,
 ‘ as you imagine, in a great Distraction ; but of
 ‘ this I am certain that no private Spleen shall de-
 ‘ bar me from doing my poor Endeavours for the
 ‘ Public, so far as it is now fit for me to appear.
 ‘ I pray God that Things be not so carried as sud-
 ‘ denly to endanger the Peace of us all.

My Lord, I am

Your Lordship's faithful Servant,

S A V I L E.

Next was read a Letter from the Lord *Howard*, one of the Committee at *York*, to the Lord-Keeper, containing a further Account of the King's Proceedings in that City, which was in these Words :

My Lords,

Another Letter from the Committee at *York*, relating to the King's raising a Guard.

‘ **Y**esternight, somewhat late, there came to
 ‘ our Hand this Printed Paper inclosed : ¹

By the KING.

C. R.

WHereas, upon Summons from us, divers Gentlemen of this our County of *York* did attend us on Thursday the twelfth Day of this Instant May, when we declared our Resolution, for the Reason then delivered by us, to have a Guard to secure and defend our Person ; and desired therein the Concurrence and Assistance of the Gentry of this County : And whereas divers Gentlemen of this County, for many Reasons and Occasions, could not then appear to receive our Pleasure on that Behalf, whereunto divers have subscribed : We have therefore thought good, hereby, to give Notice, as well to those Gentle-

¹ Imprinted at *York*, by *Robert Barker*, Printer to the King's most Excellent Majesty, and the Assigns of *John Bill*, 1642 ; and reprinted at *London*, for *Andrew Coe*.

Gentlemen who were not then present, as to those An. 18. Car. I.
 who did then attend us, that our Command is, That 1642.
 as well those Gentlemen who are charged with Horse, May.
 as others, appear at York upon Friday the twelfth
 Day of this Month, in such Manner and Equipage
 as will be convenient for the Guard of our Person :
 And we require and command, That, in the Interim,
 no other Warrant, Order, or Command whatsoever,
 shall distract or hinder this our Service : And we fur-
 ther will and command, That this our Order be forth-
 with published by the Sheriff of this our County, for
 which this shall be his sufficient Warrant.

Given at our Court at York, the fourteenth Day of
 May, in the 18th Year of our Reign, 1642.

My Lord, ' We conceiving the above Paper to
 ' be illegal, waited on the King in the Morning,
 ' telling him, *We thought it our Duty to represent*
 ' *to his Majesty, of what dangerous Consequence it*
 ' *was to command the whole County to bring in their*
 ' *Horse, which would be Occasion of great Jealousies,*
 ' *and might breed great Distractions.* His Majesty's
 ' Answer was, *That howsoever it was expressed, yet*
 ' *he never intended to have any come in but volunta-*
 ' *rily.* We replied, *That this bore another Sense,*
 ' *and that it would be our Duty to give Notice of it*
 ' *to the Parliament.*

' When we were gone the Marquis of Hertford,
 ' the Lord Savile, and Lord Chief Justice Bankes,
 ' repaired to the King, and soon after brought us
 ' the following Paper in Answer to what we had
 ' said to his Majesty ; with a Command to write
 ' up the Substance of it to your Lordship : But
 ' thinking it not fit to take upon us to write his Ma-
 ' jesty's Sense, lest we should be mistaken, I have
 ' here sent you the very Paper itself, as we had it
 ' from the Lords before-mentioned.

My Lord,

WE waited this Day upon his Majesty, concern-
 ing a printed Summons published the 14th of
 this Instant May, humbly to know his Majesty's
 Mean-

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Meaning therein; at which Time he was graciously pleased to signify his Intention unto us, That his Meaning was thereby, to accept of the voluntary Offers of those Gentlemen, who had, or should tender their Services unto him for the Guard of his Person: And, out of that Number that should appear before him, at the Time prefixed, he would chuse such a competent Number as might serve for the Safeguard of his Royal Person; likewise telling us, That he had declared to those Gentlemen, who did attend him at the last Meeting, that he no ways intended hereby to increase the Number of the Train'd Bands.

' My Lord, These Lords do, every one of them, protest, That they never knew any Thing of this printed Paper till we shewed it to them.

' I acquainted your Lordship, in my last Letter, That his Majesty had laid aside the Resolution of raising that Regiment which was Sir Robert Strickland's; but, this Afternoon, we understand it is to meet To-morrow by Warrants from his Majesty; a Copy of one of them I send your Lordship here inclosed; also a Letter from his Majesty to the Gentry of Yorkshire.

The WARRANT.

To the CONSTABLES of Newton and Benningborough.

May 15, 1642.

By virtue of a Warrant from his Majesty, to me directed, his Will and Command is to give Order to all the severall Petty Constables, within this Division or Hundred, to cause all the Train'd Bands and Soldiers of Sir Robert Strickland's Regiment, with their Officers and Arms, to meet at Sutton in the Forest, on Tuesday next, the 17th of this Instant May, by Eight of the Clock in the Morning; where they shall receive further Commands and Directions by the Colonel or Serjeant-Major of the said Regiment. Fail not at your Peril.

THOMAS GROSVENOR.

THE KING'S LETTER.

To our Trusty and Well-beloved the Gentry of *An. 18. Car. I.*
Yorkshire, and others of this our County of *York*,
 whom it doth or may concern. *1642.*
 May,

WE have, with great Contentment, considered your dutiful and affectionate Answer to our Proposition concerning the unsufferable Affront which we received at Hull.

We have not been deceived in that Confidence we had in your Affections, wherefore we desire you to assure the rest of your Countrymen, who, through Negligence, were omitted to be summoned, That we shall never abuse your Love, by any Power wherewith God shall enable us, to the least Violation of the least of your Liberties, or the Diminution of those Immunities which we have granted you this Parliament; (though they be beyond the Acts of most, if not of all, our Predecessors) being resolved, with a constant and firm Resolution, to have the Law of this Land duly observed; and shall endeavour only so to preserve our just Royal Rights, as may enable us to protect our Kingdom and People, according to the antient Honours of the Kings of England, and according to the Trust which, by the Law of God and this Land, is put into the Crown; being sufficiently warned, by the late Affront at Hull, not to transfer the same out of our Power; concerning which Affront we will take some Time to advise which Way we may usefully employ your Affections: In the mean Time we shall take it well from all such as shall personally attend us, so followed and provided as they shall think fit, for the better Safety of our Person; because we know not what sudden Violence or Affront may be offered unto us, having lately received such an actual Testimony of rebellious Intentions from Sir John Hotham at Hull.

Being thus secured by your Affections and Assistance, we promise you our Protection against any contrary Power whatsoever; and that you shall not be

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molested

An. 18. Car. I. molested for your humble and modest Petition, as of late you have been threatened.

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Given at our Court at York, May 16, 1642.

‘ My Lord, I know not what the Success of this will be, or what the Sheriff will do upon it, he is newly gone out of Town.

‘ My Lord, this is, at this Time, what I am to acquaint you with, who am,

My Lord,

York, May 16,
1642.

Your Lordship's humble Servant,

EDWARD HOWARD.

In the Afternoon of this Day, May 19, the Lords took into Consideration the Lord Savile's Letter; and, after Debate, came to the following Resolutions:

Lord Savile voted guilty of a Contempt, &c.

1. ‘ That the Lord Savile's going from Parliament, and refusing to come when this House sent for him, is a great Contempt, and a high Breach of the Privileges of Parliament.

2. ‘ That when the High Court of Parliament sends for a Delinquent to appear before them, the King's laying his Commands upon him not to appear, tends to the Overthrow of the Power of Parliament and Justice of the Kingdom.

3. ‘ That the Lord Savile, for his high Contempt in refusing to come when the House sent for him, shall not sit nor vote in this House during this Session of Parliament.

Further Resolutions as to Breach of Privilege.

‘ Ordered, That a Writ of *Habeas Corpus* shall be sent down to the Sheriff, to bring up to this House the Messenger imprisoned at York. Also, to have a Conference with the Commons on this Affair, and this high Breach of the Privilege of Parliament; and to consider of a Course how to bring Delinquents to deserved Punishment, in such a Man-

Manner as may best agree with public Justice, and best preserve the Peace of the Kingdom.—But

How far these and such-like Resolutions contributed to the desirable Ends proposed, will fully appear hereafter.

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The END of the TENTH VOLUME.



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